



Spain Report

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Sustainable Governance Indicators 2016

Executive Summary

Spain's recovery gathered momentum in 2015, with economic growth of 3.2%. This was not only the highest such level in 10 years, but was also much higher than other large euro zone economies. The country had been impacted by a deep double-dip recession (2008 – 2013), but adjusted more quickly than expected after implementing a radical austerity program and some structural reforms (labor market, control of public finances, banking-sector recapitalization). Exports, foreign investment and domestic demand fueled this growth, along with a productivity increase following a painful process of internal devaluation. Cheaper oil, better access to finance and credit (as a result of European Central Bank policies after 2012), and a grant of increased flexibility in meeting European Commission fiscal targets also helped.

However, the Spanish economy remained smaller in 2015 than in 2007, and Spaniards' income lower. The unemployment rate fell to 20.7% from an all-time high of 27% in the first quarter of 2013, but remains at an astonishing level. Thus, it remains premature to assume the country is now on a truly sustainable economic path, as bank lending remains limited, public debt is about to exceed 100% of GDP (forcing conditions of fiscal austerity to be maintained), current-account deficits may again emerge, the labor market continues to languish, and inequality is becoming more extreme.

In comparison to the previous SGI review period (mid-2013 to late-2014), policy outcomes in most economic domains continue to improve, but after several years of recession, social unrest has eroded legitimacy and trust in the political system. Centrifugal tensions in Catalonia are still strong, and during 2015, two new parties (Podemos, a leftist anti-establishment party, and Ciudadanos, a liberal-progressive one) seriously challenged the traditional supremacy of the Spanish Socialist Workers Party (PSOE) and the conservative Popular Party (PP). The emergence of Podemos, which translates as "We Can" in English, is particularly remarkable, since it got 20.7% of the votes in the 2015 elections, while calling for radical institutional and economic measures.

To be sure, several weaknesses persist. Spain collects less in taxes relative to wealth than most other European countries, making ambitious education, welfare and environmental policies difficult. Investment in R&D accounts for

just 1.2% of GDP, as compared to European Union and OECD averages above 2%. Education policy faces serious problems of quality and equity. Social exclusion remains a perennial problem, with 22% of Spaniards living at risk of poverty. Social services and family support for women combining parenting and employment are quite modest. In addition, increasing life expectancies are leading to an unsustainable population pyramid – the worst in Europe – which, in combination with the crisis effects, has reopened debate on the future of the Spanish social-security system.

However, the 2014 – 2015 period saw some positive trends in policy areas such as health care (a very well-considered system, despite recent budgetary cuts), the integration of immigrants (Spain ranks as the most tolerant country in the EU), and safety and security. The country's international position has also improved both with regard to multilateral political governance (as a member of the U.N. Security Council since January 2015) and the global financial system. Nevertheless, Spain's engagement in external campaigns to promote development and other global public goods is still quite limited.

The crisis has not significantly eroded the relatively high quality of democracy. However, opaque party financing and several corruption scandals (most cases under investigation have their origins in the housing bubble years) materialized as significant challenges for the future. The very limited capacity of citizens to participate through legally binding referenda remains a weakness of the political system. In addition, Spaniards abroad, the number of whom has grown substantially, face onerous red tape, discouraging political participation and even leading to occasional technical failures in the administrative work of consular departments. Media pluralism and independence could be improved as well. On the whole, the most significant advance during the review period was the reformulation of party-financing legislation and several anti-corruption initiatives that hold officeholders to a higher standard than previously. The most worrying development was the entry into force of a controversial public-safety act (the so-called bang law) that may restrict some political liberties.

Finally, the governance capacities of the Spanish political system were strongly influenced by the absolute majority enjoyed by the Rajoy government since late 2011, but also by the approach of a general election that appeared certain to transform the traditional two-party system into a multi-party democracy. Nevertheless, at the end of the period under review, the strong single-party executive had introduced a more strategic vision; reinforced the centralization of policymaking through the prime minister and his staff; and slightly improved interdepartmental coordination, ministerial compliance, self-monitoring, and control over regional finances. The government has also

passed a new law that may introduce “smart regulation” and “better regulation” (in itself remarkable, given the country’s scanty tradition of evidence-based policymaking).

On the other hand, interaction with the legislature, subnational governments and societal actors has become less balanced. The government has generally failed to build public support for its policy decisions, has circumvented close scrutiny by the opposition in the parliament, and has clearly narrowed the scope of discretion formally enjoyed by the autonomous regions and local authorities. The state of the strained relationship between government and Spanish society was tested in general elections held in late 2015, whose result was inconclusive.

Key Challenges

Spain is no longer seen as the euro zone member whose troubles are most likely to put the single currency in peril. Some analysts even claim that reforms implemented by the Spanish government in recent years (and which have helped produce relatively robust growth) are a lesson for the EU at large. However, the truth is that external factors have helped, and the country’s profound domestic problems still must be addressed in the near future. Otherwise, the recovery will not last. On the fiscal front, the persistent gap between public spending and tax receipts will oblige Spain either to implement additional austerity measures or – more appealingly – to collect more revenue by making the tax system more efficient and seeking to reduce the high level of tax evasion.

With regard to the remarkable unemployment problem, especially among youth and those who have now been out of the labor market for several years, the government has to find job-creation policies more substantial than simple wage cuts. Needed reforms include policies to improve human capital and expand R&D, increase competition in goods and services markets, end labor-market dualities, reduce energy costs, and find an effective and capable means of redistributing income and reducing inequality. The recent growth has not made a difference in many Spaniards’ lives, and the combination of austerity and internal devaluation has increased social exclusion and inequality.

Sustainable improvement in this developed European economy thus requires much more emphasis on innovation and education. Evidence suggests that the current Spanish education and R&D systems are hindering the move toward a more knowledge-based economy. The government has repeatedly declared

that more attention to education, innovation and entrepreneurship is strategically necessary to change an economic model too dependent on real estate and tourism. Regarding environmental sustainability, the government in power during the review period showed little concern, despite the country's risky position with regard to global problems such as desertification and climate change. Indeed, Spain, which needs to import most of its energy, has decided to reduce its earlier – wise though expensive – investment in developing renewable energy sources.

The internal-devaluation strategy, in combination with austerity measures, has had a worrisome effect on social policy that requires strategic attention. Management of the crisis has amplified inequality and undermined every social program. The need to maintain social cohesion has itself taken on the aspect of a secondary crisis, as there is a short-term risk that adjustment costs may become unsustainable, and a longer-term risk that spending cuts in health care, education, inclusion and family policies may increase social tensions. The aging population represents another major challenge. The average Spaniard today lives 81.6 years, the birth rate is extremely low (1.3) and forecasts suggest that one-third of Spain's population will be aged 64 or over by 2050 (as compared to 17.4% in 2012). Addressing this problem is obviously connected with future immigration patterns and the integration of foreign workers (remarkably, Spanish society has so far avoided intolerance, although this may change with the next generation), but also requires addressing the sustainability of the pay-as-you-go pension system.

Even if policy challenges are numerous, Spain's most significant difficulties in 2016 may be political. The political landscape is now characterized by four strong parties (something never before experienced in Spain, and quite unusual even in other European countries) with four political forces attracting more than 15% of voter support in the pre-election polls. This includes the center-right Popular Party (PP), which won office in 2011 with 44.6% of the vote, but as of the end of the review period, was struggling to reach 30% support; the opposition social-democratic Spanish Socialist Workers Party (PSOE), which has also seen support erode to no more than 20% – 25%; the left-wing anti-establishment phenomenon of Podemos, also polling at 20% to 25%; and the centrist Ciudadanos, which was polling at around 15%. The country's political culture, customarily inclined towards a left-right confrontation, and the traditional majoritarian and hierarchical governance style, will make it difficult for this pluralist environment to function efficiently (the more so because Basque and Catalan nationalist parties also have to be included). Indeed, the inconclusive results of the 2015 elections and the inability to manage the subsequently fragmented parliament impeded the formation of a new government throughout the first half of 2016.

Podemos and the Catalan secessionist movements represent the two most complex elements of Spain's new political panorama. The success of Podemos, a radical force linked to the so-called Indignants movement that emerged on 15 May 2011, and which has been labelled as populist, shows that the legitimacy of the entire political system is questioned by a quarter of Spaniards who feel deeply dissatisfied not only with austerity, but also with the functioning of their country's democracy. The push for independence in Catalonia, one of the country's richest regions, endangers political stability and threatens constitutional turmoil. Therefore, despite the important strengths possessed by Spain's current democratic system, a revisiting of the constitutional pact seems ultimately inevitable.

In the next few months, Spain will face new challenges that endanger political stability and again put the economic recovery at risk. The big question is the extent to which Spanish political leaders will be capable of implementing additional reforms needed to sustain strong growth, renew the political system, increase the quality of institutions and reduce corruption. Until recently, it was argued that neither the conservative government nor the social democrats were willing or able to tackle these profound changes.

However, within the new, increasingly pluralistic landscape (following the appearance of Ciudadanos and Podemos), the opportunity for profound reform is actually greater than ever. The Spanish political system will change radically in 2016, and this turning point may produce either positive or negative developments. Citizens may become more involved in and critical of long-standing governance defects such as the excessive concentration of power in party machines and the lack of transparency within the state administration. According to polls, Spaniards still support the fundamental pillars of Spanish democracy (economic and social modernization, a sustainable welfare state, a semi-federal state and Europeanism), but demand new institutional arrangements able to support more power-sharing and sustainable governance.

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 7

Since 2013, Spain has experienced a surprisingly strong recovery, with the economy adjusting quickly after a deep double-dip recession that lasted five years (2008 – 2013). Spending cuts and some structural reforms as part of the government’s National Reform Program (labor market, control of public finances, banking sector recapitalization) proceeded at a rapid pace, unit labor costs fell significantly and productivity rose. Most encouragingly, exports began booming as early as 2011 despite the strength of the euro, and after 2012, FDI increased as well. The economy began to grow strongly once sovereign risk was reduced to sustainable levels and Spain’s access to finance was expanded (a result of ECB policies that contrasted with rigid pre-2012 monetary and exchange-rate policies). The European Commission’s decision to grant more flexibility in meeting fiscal targets was also of help, as was the decline in oil prices.

Spain’s recovery gathered momentum in 2015, with the economy growing by 3.2%, the highest such level in 10 years. Indeed, by the end of the period under review, growth had reached an impressive 3.4% annualized rate, which was much higher than that seen in other large euro zone economies. This recovery has been driven both by exports and – for the first time in several years – domestic demand. Yet dangers still lurk. The Spanish economy remained smaller in 2015 than it was in 2007, with Spaniards’ per capita incomes lower. Thus, it remains premature to assume that the country has embarked upon a truly sustainable economic path, as bank lending remains limited, the public deficit is high (forcing the retention of fiscal austerity policies), inequality is becoming more severe, and unemployment rates remain at astonishing levels (20.7% in autumn 2015). This in sum has led to rising social unrest.

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Charles Powell and Federico Steinberg. “The Pain in Spain: Light at the End of the Tunnel?”, *The International Spectator: Italian Journal of International Affairs* (Volume 47, Issue 4, 2012).

Financial Times, July 2015: Economic recoveries in Spain and Ireland accelerate
www.ft.com/cms/s/0/311eab28-36a1-11e5-bdbb-35e55cbae175.html#axzz3mNvpNJBV

The Economist, August 2015: Spain's economy, Back on its feet
www.economist.com/news/finance-and-economics/21660550-growth-has-retuned-dangers-still-lurk-back-its-feet

Labor Markets

Labor Market
Policy
Score: 5

Though still quite high compared to other OECD countries, unemployment rates in Spain began to fall in early 2013, as the Spanish economy entered recovery. The jobless rate reported by the Spanish Statistics Institute (INE) was 20.7% at the end of 2015, having fallen from an all-time high of 27% in the first quarter of 2013. The average rate over the past 40 years was 16.3%.

The Popular Party (Partido Popular, PP) government passed a radical reform (Royal Decree Law 3/2012) when the number of jobless workers reached a peak of 6 million, up from 2.1 million only five years before. The 2012 reform sought to address the inflexibility of employment regulations (particularly concerning layoffs), the rigidity of collective agreements, and above all the existence of a dual labor market (with 40% of workers having no job protection, and 60% deemed overprotected). The primary measure in this package was to prioritize enterprise-level agreements over collective-bargaining agreements, with the aim of moderating wages. By the end of the period under review, the number of jobless workers had fallen to 5 million, and it can thus be said that Spanish labor-market policies have shown some success.

However, though a quarter of the new jobs were directly connected to a new contract modality introduced by the 2012 decree, it is difficult to conclude that the labor-market reform (rather than the broad effect of the economic recovery) has driven this new positive trend. If anything, the new regulation's impact has come in the reduction of dismissal protections and a decline in salary levels (as collective agreements have become more flexible), through a process of internal devaluation that has reduced labor costs. As a result, the Spanish economy is now somewhat more competitive. Though this trend has led to the creation of jobs, it has come at the expense of job security and wages.

Despite some improvement, the Spanish labor market continues to languish under problems that public policies have been unable to solve. Perhaps the three most significant ones include: 1) a lack of flexibility in the labor force (insufficient mobility, few part-time contracts); 2) a high share of undeclared work (which also means the actual unemployment rate is not as extreme as official figures indicate); and above all, 3) the aforementioned dual labor

market, which is a serious source of inequality. Analysts also point to the existence of several contract modalities, a flawed social dialogue and expensive compulsory social-security contributions. Finally, public-spending cuts have reduced the prevalence of active labor-market programs designed to help the unemployed find work (e.g., training).

Citation:

Economically Active Population Survey (EAPS-EPA) latest quarter. Spanish statistics institute INE. www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595

Labour Cost Index. Eurostat.

<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=teilm100&plugin=1>

Taxes

Tax Policy
Score: 5

Spain collects less in taxes relative to wealth than do most other European countries. Tax revenue totaled 38.6% of GDP in 2015, as compared to an EU average 45.2%. By the close of the review period, the governing center-right Popular Party (PP) government had passed four tax-reform packages since assuming power in late 2011. The two first very controversial reforms were implemented in 2012, when there was a clear risk of Spain's public debt becoming unsustainable; these involved tax increases (primarily in the VAT, but also in the direct income tax). The third reform package was passed in 2014, and in contrast consisted of generous tax cuts. Finally, Spain amended the personal-income-tax system in 2015, retroactively modifying personal-income-tax rates. According to Spain's finance minister, the recent tax cuts are compatible with the goal of reducing the public deficit, as it is assumed that the economic-stimulation effect will counterbalance reductions in some tax rates.

Tax policy only partially achieves the objectives of equity, competitiveness and sufficiency in Spain. The country's currently high levels of public deficit and debt (see "Budgets" section) highlight the deeply unbalanced relationship between public revenues and spending. Although this may be attributed to the crisis that shook the country from 2008 to 2013, previous budget surpluses (from 2005 to 2007) were largely derived from the real-estate boom, and vanished once the bubble burst. Nevertheless, expenditures continued to grow. Tax policy is more difficult to assess with regard to equity and competitiveness. Vertical equity exists in principle (with strongly progressive income taxes and different VAT rates on products and services), but horizontal equity suffers due to 1) corporate-tax engineering, 2) the prevalence of fraud (which is much easier for companies and professionals to commit than for medium- and low-income taxpayers) and 3) the scope of the underground economy, from which the state does not collect taxes at all. Finally, recent increases in indirect taxation may have rendered the tax system less competitive.

Decisions concerning tax policy in recent years have been strongly influenced by the economic crisis and short-term considerations, including elections, without a comprehensive underlying logic driving the process. Although the Spanish tax-collection agency (AEAT) is generally efficient, it has limited resources (its staffing ratio is just 0.61 employee per 1,000 inhabitants, the second-lowest such ratio in the EU after Italy). A more radical reform of the taxation agency, which would expand its human, ICT and financial resources, is clearly needed.

Citation:

Real Decreto 633/2015, de 10 de julio, por el que se modifican el Reglamento del Impuesto sobre la Renta de las Personas Físicas, aprobado por el Real Decreto 439/2007, de 30 de marzo, y el Reglamento del Impuesto sobre la Renta de no Residentes, aprobado por el Real Decreto 1776/2004, de 30 de julio. www.boe.es/boe/dias/2015/07/11/pdfs/BOE-A-2015-7770.pdf

Real Decreto-ley 9/2015, de 10 de julio, de medidas urgentes para reducir la carga tributaria soportada por los contribuyentes del Impuesto sobre la Renta de las Personas Físicas y otras medidas de carácter económico. www.boe.es/boe/dias/2015/07/11/pdfs/BOE-A-2015-7765.pdf

Budgets

Budgetary Policy
Score: 6

Throughout the 2011 – 2015 legislative term, austerity measures dominated Spanish budgetary policy. With little margin for the implementation of other fiscal strategies, public spending cuts and two structural reforms (reform of the labor market and the recapitalization of saving banks) constituted the three primary features of the government’s economic policy during the review period. This fiscal restraint succeeded in reducing long-term public-sector borrowing costs, thereby preventing Spain from being forced into a full bailout program. However, given the severity of the economic crisis, neither the deficit (approximately 5.1% GDP at the end of 2015) nor public debt (99.2% of GDP) have been significantly reduced. Spain has the highest deficit in the European Union, and its public-debt-to-GDP ratio is the seventh-highest in the EU (after Greece, Italy, Portugal, Ireland, Belgium and Cyprus). Thus, it would be premature to conclude that Spanish budgetary policy has realized the goal of fiscal sustainability.

However, the spending cuts have been achieved with great effectiveness both by the central and regional governments (see “Task Funding”). This fiscal policy, imposed on Spain by Brussels and Frankfurt, was implemented through a scheme introduced by the Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations. The commitment to a balanced budget and the creation of the Independent Authority for Fiscal Responsibility (AIReF) in 2013 have allowed Spain to regain fiscal credibility abroad. By the end of 2015, Spain’s risk premium had reached its lowest level

since early 2010, and the Commission appeared likely to grant additional flexibility delaying achievement of the deficit objective of 3.0% of GDP until the end of 2017. In any case, financial stability today depends more on the ability to increase revenues than on new austerity measures. If economic growth consolidates, and the ECB continues its current expansionary monetary policy, the long-term sustainability of Spain's public finances will continue to improve.

Citation:

Independent Authority for Fiscal Responsibility: www.airef.es

European Commission, forecast Spain:

http://ec.europa.eu/economy_finance/eu/countries/spain_en.htm

Research and Innovation

R&I Policy
Score: 4

Research and technology policy remained a weak point during the period under review, as evidenced by the low number of patents registered, the relatively poor international ranking of universities and the decreasing level of spending on R&D. Indeed, in 2014, just 1.20% of GDP went to research and development, compared with an EU average of more than 2% (which was the Spanish target for 2010). While the crisis is certainly responsible for the decline, the draconian cuts implemented in recent years have exacerbated a situation already needing attention. It is clear that the government's post-housing-bubble pledge to promote a new model of economic growth based on brainpower rather than construction has not been reflected in the budget. All indicators of public or private support for innovation in Spain are far below those in the advanced-economy leaders; for example, the country is ranked 19th among the 28 member states in the EU Innovation Scoreboard.

The Spanish National Research Council (CSIC), which is the largest Spanish scientific institution, with 6,000 scientists and more than a hundred institutes, warned in 2013 that its research centers were headed for "catastrophe" if no extra money was found. Its budget had fallen by 30% from 2008 levels, and many promising young scientific researchers were going abroad, producing a brain drain the country could ill afford. At the end of 2015, the Popular Party government finally made good on its promise to establish a national science-funding agency. However, this policy was not slated to include new money, as it the new entity would simply take over existing research budgets. A rise in the median age of the scholarly workforce, the increasing obsolescence of existing lab instruments and an excessive bureaucracy are other troublesome factors.

Nevertheless, according to the Cotec Report on Technology and Innovation, some positive signs regarding R&D investment were evident in 2015, largely thanks to European Commission funding and private investment (which

accounts for more than half of Spain's total R&D spending). Spain also came out relatively well in the latest Nature Index (published in June 2015), which tracks the affiliations of high-quality scientific articles published in 68 science journals; in this, Spain was the 10th most prolific country worldwide.

Citation:

William Chislett. 2016. *A New Course for Spain: Beyond the Crisis*. Madrid: Elcano Institute

COTEC. 2015. Informe 2016 sobre Tecnología e Innovación en España. www.cotec.es/pdfs/COTEC-informe-2016.pdf

European Commission, Innovation Union Scoreboard 2015

http://ec.europa.eu/growth/industry/innovation/facts-figures/scoreboards/index_en.htm

Global Financial System

Stabilizing Global
Financial Markets
Score: 8

Though aware of its limitations as only a medium-sized economic power, Spain behaves as an important partner in international fora and tries to contribute actively to improving the regulation and supervision of financial markets. This participation has been given weight by its role as one of the countries hit particularly hard by the global economic crisis and the financial instability lasting from 2008 to 2013. It participates in the G-20 meetings as a “permanent guest,” and sits on the Financial Stability Board. It is also part of the IMF system (with 1.94% of the votes) and the World Bank (1.74%). As a member country in all five agencies of the World Bank Group, Spain holds shares in each (including international financial institutions such as the International Bank for Reconstruction and Development (IBRD) and the International Development Agency (IDA), which offer loans to developing countries). It has also been engaged within the OECD in the fight against tax havens, with a particular focus on its neighboring territories of Andorra and Gibraltar. In 2015, Spain also announced its participation in the Asian Infrastructure Investment Bank project promoted by the Chinese government.

At the European regional level, Spain is a member of the European Union and is the fourth most important state within the euro zone. It has pushed hard in recent years for a banking union and for the European Central Bank to take a more active role in strengthening the single European currency. It has also sought to strengthen regulation of rating agencies. Within the private sector, the Madrid stock exchange plays an influential role, while Banco Bilbao Vizcaya Argentaria (BBVA) and Santander are very important international banks. In November 2013, Spain cleanly exited a bailout program agreed to with the European Union in 2012 in response to the country's deepening financial crisis, which was aimed at recapitalizing Bankia and other smaller former savings banks.

Citation:

www.imf.org/external/np/sec/memdir/members.aspx#S

web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/WBEUROPEEXTN/SPAINEXTN/0,,contentMDK:20811636~menuPK:2205720~pagePK:141137~piPK:141127~theSitePK:292395,00.html

The Asian Infrastructure Investment Bank www.aiibank.org/html/aboutus/AIIB/

Spanish contribution to the debate on the Economic and Monetary Union Governance, June 2015.
www.realinstitutoelcano.org/wps/wcm/connect/2e5c958048999ee1be41befc4b6f1e4a/contribucion-espana-debate-gobernanza-union-economica-monetaria.pdf?MOD=AJPERES&CACHEID=2e5c958048999ee1be41befc4b6f1e4a

II. Social Policies

Education

Education Policy
Score: 5

Despite the Spanish education system's outstanding improvement since the 1980s with regard to equity and efficiency, Spaniards largely regard educational outcomes within their country as mediocre. This perception is based in part on Spanish universities' poor international rankings (only 18 of the country's 70 made it into the 2015/2016 QS World University Rankings) as well as the country's unexceptional PISA test results. In fact, the country's education system was ranked the 26th most efficient out of 30 OECD countries. One of the reasons for the overall bad results, although effects differ strongly across regions, is that Spain has had to cope with a strongly increased influx of immigrants over the past 20 years. Other factors include a curriculum regarded as out of date, a rote system of learning, teaching quality requiring improvement, and the large number of students who repeat years. The level of government spending on education is also an important factor; in 2015, education spending totaled 5.6% of GDP, far below the OECD average of 6.3%.

This concern regarding the state of the education system has created the social and political momentum needed for reforms in recent years. However, budgetary austerity has meant that only a few relatively inexpensive regulatory measures targeting quality and efficiency in resources allocation have been implemented; moreover, these have come at the expense of fairness in access. Thus, during the 2011–2015 legislative term, the parliament passed a new law (L.O. 8/2013) to “improve the quality of education” (also known as the “Ley Wert,” in honor of the conservative education minister) by taking advantage of the absolute majority enjoyed by the Popular Party. No other party supported the reform. The initiative was ambitious in introducing competition within the system, but lacked a broad social consensus (from regions, parents and teachers). Moreover, it is not well funded, and focuses more on quality than on

equality of opportunities. This latter category has been undermined since 2011 as a result of education spending cuts, an increase in fees, and a stiffening of conditions for obtaining funding and scholarships, all of which has served to exclude poor students from the system.

Therefore, the Spanish education system still suffers problems of quality and equity. Particular trouble points include access to preschool education and the socioeconomic class segmentation between students in public schools and those attending publicly funded private schools, normally affiliated with the Catholic Church. Efficiency could be improved upon as well. For example, early school leavers make up 22% of the youth population, and these individuals are not easily brought into training programs. Though these figures have shown some recent improvement, this set of problems makes it more difficult to create a skilled labor force.

Citation:

William Chislett. 2016. *A New Course for Spain: Beyond the Crisis*. Madrid: Elcano Institute

Spain's Pisa results (2012) www.oecd.org/pisa/keyfindings/PISA-2012-results-spain.pdf

Caos en la implantación de la Ley Wert
www.elmundo.es/espana/2015/07/16/55a6b0b9268e3ea32a8b45b1.html

Social Inclusion

Social Inclusion
 Policy
 Score: 4

Societal exclusion remains a perennial problem for Spain: 22.2% of Spaniards live at risk of poverty (or 28.6% if the more exigent AROPE indicator is used). Those at a higher risk of marginalization include immigrants, unemployed youth and elderly people with minimal pensions. Particularly serious is the child-poverty rate of nearly 30%, according to different reports published by the Council of Europe's Commissioner for Human Rights or the Spanish statistical authority (INE). Women (in particular those in precarious employment and heading a single-parent family) are more vulnerable than men. Finally, the share of employed people living under the poverty threshold is also very high – at 12.3%, this represents the third-worst case in the EU (average is 9%).

Two back-to-back recessions (2008 – 2009 and 2010 – 2013) further impoverished vulnerable households and broadened the gap between the poorest and wealthiest sectors of the population. Spain's Gini coefficient (0.35 in 2014) places the country as the 13th most unequal within the OECD. While it performs better than the United States and Japan on this issue, it is more unequal than most European states. The combined impact of economic difficulties (rising unemployment rates along with cuts in salaries and benefits) and austerity measures (affecting health care, education, social services and disabled-person

support programs) have exacerbated marginalization. The National Action Plan on Social Inclusion for the 2013 – 2016 period has clearly proved insufficient, and privately run social organizations have been unable to fill the service-provision gap. Nonetheless, Spain is on par with the OECD average in terms of welfare spending on pension, family, health and integration policies as a share of GDP/

The situation is better with regard to areas of discrimination not associated with poverty, particularly regarding gender equality within institutions and the rights accorded to homosexuals (see “Non-discrimination”). Finally, a new law (RDL 1/2013) on equal opportunity and societal inclusion for people with disabilities was passed in December 2013, at the same time that the provision of economic assistance for care for dependent people was virtually eliminated.

Citation:

www.ine.es/prensa/np908.pdf

The risk of poverty or social exclusion affected 1 in 4 persons in the EU in 2014 (Eurostat)
<http://ep00.epimg.net/descargables/2015/10/16/1e864831c1bc59035e1a95fda06a83f4.pdf>

National Action Plan on Social Inclusion for the Kingdom of Spain, 2013-2016
www.msssi.gob.es/destacados/docs/PNAIN_2013_2016_EN.pdf

Health

Health Policy
Score: 7

The Spanish national health care system is relatively well-thought out and it largely achieves the criteria of quality, inclusiveness and cost efficiency. According to a report published in 2015 by the OECD, the country’s life expectancy is the second-highest in the OECD (after Japan). Low mortality rates from all causes of death (including heart diseases, cancer, transport accidents or infant mortality) demonstrate the effectiveness of the policy. However, rates of mental illnesses, diabetes and drug consumption are higher than the European averages. The same report recommended that Spain better address tobacco smoking, alcohol consumption and obesity among adults and children; avoid unnecessary hospital admissions by improving treatment for people living with one or more chronic diseases; and improve the quality of acute care for people admitted to hospital for heart attacks or strokes, thus increasing survival rates.

Spaniards’ self-perceptions of their own health status and their opinions regarding the national health care system reflect a degree of satisfaction that is quite high in cross-OECD comparison. Access to a core set of high-quality health services is guaranteed through a public insurance system that covers 99% of the population. However, the number of practicing doctors, nurses and hospital beds per 1,000 residents is relatively low. Moreover, the general quality

of this system has deteriorated in recent years due to austerity measures (although health care spending still accounts for approximately 9% of GDP, close to the OECD average). The most recent reports emphasize deficiencies related to waiting lists, patient rights and sickness prevention. There is also interregional inequality.

Inclusiveness suffered at the beginning of the 2011 – 2015 legislative term as a consequence of the royal decree law dubbed “Urgent Measures to Guarantee the Sustainability of the National Health System and Improve the Quality and Security of its Services.” This legal reform, approved in 2012, involved two main measures. The first blocked the provision of assistance to unregistered immigrants (although primary healthcare for illegal immigrants was reinstated in 2015). The second measure consisted of an increase in the share of pharmaceutical costs paid for by patients, including senior citizens (who must now pay 10%) and general workers (who must cover 40% to 60% of medicine costs, depending on their incomes).

Conversely, the system has recently become more cost efficient, particularly with regard to pharmaceutical spending. However, the system’s sustainability is at risk over the medium and long term, as a consequence of the aging population (one out of five Spaniards will be older than 65 by 2025) and the subsequent increase in the incidence of chronic diseases.

Citation:

OECD. 2015. Health at a Glance: How does Spain compare?
www.oecd.org/spain/Health-at-a-Glance-2015-Key-Findings-SPAIN.pdf

Spain to reinstate primary healthcare for illegal immigrants www.reuters.com/article/2015/03/31/us-spain-health-immigrants-idUSKBN0MR20H20150331

www.elmundo.es/salud/2015/09/02/55e6bb16ca4741545b8b457d.html

Families

Family Policy
 Score: 5

Public spending on social services designed to support women in combining parenting with employment, never ambitious in Spain to start with, were cut back considerably further as a result of the economic crisis and the associated budgetary constraints. The country’s very low fertility rate is one partial outcome of the timidity of Spanish family-support policies.

Traditional family patterns (in which mothers focus on household work and child care duties) have changed in Spain, but this has resulted more from slow sociological developments than from any explicit family-support policy. Moreover, traditional gender roles that remain deeply rooted among Spaniards

keep women in an unequal position. Although the Ministry of Employment has sought to force employers to comply with non-discrimination legislation, there is still a wage and pension-value gap of close to 20% between men and women. Women's labor-market participation rate is also much lower than that of men. In late 2015, the employment rate among women was approximately 40%, as compared to 50% among men.

The moratorium in implementing the National System of Dependency (governing care for dependent people) has made it more difficult for women to remove themselves from the burden of family care. The paternity-leave program introduced in the mid-2000s is not widely used, and further measures are needed to facilitate a culture of shared responsibility for child care. A corporate culture of "presenteeism" within the workplace does not help.

Subsidies to families have also been significantly cut back. However, the government implemented a tax reform in 2015 to benefit large families (i.e., three or more children), in parallel with taxpayer deductions amounting to €100 or €200 per month depending on the number of children. The government also approved a Comprehensive Plan to Support Families for the 2015 – 2017 period. Announcing the policy, Minister for Social Services and Equality José Antonio Alonso emphasized that "the family is an issue that affects everyone and hence it is a primary policy and a priority for the government, and this must pervade all our actions in a cross-cutting manner."

Citation:

Government approves Comprehensive Plan to Support Families 2015-2017
www.lamoncloa.gob.es/lang/en/gobierno/councilministers/Paginas/2015/20150514-councilministers.aspx

Eurobarómetro especial 428, on Gender Equality http://ec.europa.eu/justice/gender-equality/files/documents/eurobarometer_report_2015_en.pdf

Pensions

Pension Policy
 Score: 7

Spanish pension policy targets its objectives both through a public pension scheme and by offering favorable tax relief for those enrolled in private pension schemes. It largely achieves the goals of poverty prevention and fiscal sustainability, but only moderately meets standards of intergenerational equity.

The pension system represents the largest single piece of public spending (more than €120,000 million). Despite the cuts suffered in salaries and subsidies as a result of the austerity measures and internal devaluation, Spanish pensioners have maintained their purchasing power during the crisis years. Moreover, whereas the poverty rate among Spain's general population is 22% (and nearly 30% among children), the rate among the elderly is only 12%. Thus, it seems

that poverty prevention among older generations has succeeded and that the elderly are less economically vulnerable than active but unemployed workers or other young inactive people without social benefits.

It cannot be said, however, that the current system ensures equity across generations – pensioners, the active labor force and youth. As a matter of fact, intergenerational equity is not an explicit goal and fair burden-sharing is not explicitly defined. The model (with the exception of private pension plans publicly subsidized through favorable tax treatment) is instead based on the pay-as-you-go methodology in which current contributors to the insurance system pay the expenses for the current generation of recipients. Although there are accumulated reserves and the rights of new retirees have always been respected so far, the model is based on the (doubtful) expectancy that the following generation will be able to cover the necessities of the previous generation.

These shifting demographics, in combination with longer life expectancies, are leading to an unsustainable population pyramid that is worse in Spain than anywhere else in Europe. Combined with the impact of the crisis, these developments have refueled debates over the long-term fiscal sustainability of the Spanish social-security system. Pessimistic forecasts show a growing deficit and an increase in the weight of pensions in relation to GDP from 8% in 2005 to 15% in 2050. It is very doubtful that the country will be able to maintain a sufficient employment-population ratio or increase productivity enough to compensate for societal aging under the current system.

Concerned about this problem, the government in power during the review period launched a reform (based on a report authored by a consultative committee of experts and implemented through Law 23/2013) that increased the retirement age from 65 to 67, and renders early retirement more difficult. Moreover, the contribution period taken into account in calculating pension amounts is now significantly longer, thus further encouraging Spaniards to complement their public pension plans with private schemes. The most crucial point is the replacement of the pension indexation by a new Pension Revaluation Index (PRI), which uses a formula that implicitly introduces economic-growth rates as a parameter. Introduced in 2014, the PRI may have long-term negative effects on poverty, but does improve the system's fiscal sustainability and, to some extent, equity. The new system was used for the second time in 2015 to determine the 2016 PRI; under its model, contributory pensions were to grow by the minimum 0.25% threshold.

Citation:

Independent Authority for Fiscal Responsibility. 2015. Opinion on the determination of the 2016 Pension Revaluation Index. Madrid: AIREF
[www.airef.es/system/assets/archives/000/001/180/original/Opinion_Revalorarizacion_Indice_Pensiones_2016_INGLES_DEFINITIVO_\(1\).pdf?1448489176](http://www.airef.es/system/assets/archives/000/001/180/original/Opinion_Revalorarizacion_Indice_Pensiones_2016_INGLES_DEFINITIVO_(1).pdf?1448489176)

Integration

Integration Policy
Score: 7

Spain ranks 11th out of 38 advanced Western democracies in the Migrant Integration Policy Index (2015 edition), and is a particularly progressive country regarding the issues of family reunions and permanent residence. However, even aside from government action, the Spanish population's degree of tolerance toward immigrants is striking. In a 2013 report published by British think tank Demos, which asked people their opinions of having immigrants as neighbors, the country ranked as the European Union's most tolerant. According to the same report, mistreatment of immigrants by Spanish citizens has diminished. And in contrast to most comparable EU countries, no relevant xenophobic populist parties exist and violent attacks on immigrant groups are very rare. These achievements are even more striking given the very high unemployment rates and the fact that some five million immigrants have arrived in Spain in only the last decade (constituting up to 12% of the population, although this figure is now falling as jobless foreign-born residents return to their countries of origin). Apart from some western Europeans looking for a second home, most immigrants during the 2000 – 2010 period came from poorer countries, many of them Romanians, Latin Americans and Africans in search of jobs and better living conditions.

The underlying cultural tolerance is bolstered by the fact that most immigrants are first-generation, and in the case of Latin Americans, share a common language and cultural links with the native population (Ecuadorians, Colombians and Bolivians represent 25% of the total foreign-born population). Furthermore, many immigrants enjoy dual nationality due to the country's links with its old colonies. With regard to the Muslim population, Moroccans comprise 20% of Spain's immigrants, with most of them being moderate and well-integrated into Spanish society. However, some radical groups involved in recruiting and fundraising for al-Qaeda or Daesh have also been identified.

The public perception of immigration has deteriorated somewhat recently as a consequence of the economic crisis. To be sure, unemployment is the main obstacle to effective integration, and according to a report published in 2013 by the Spanish Observatory of Racism and Xenophobia (Oberaxe), the peaceful integration of migrants coexists with somewhat widespread support for the idea that Spaniards should be given preferences in hiring and in access to social services. Undocumented immigrants recovered free access to health care in 2015 after three years of restriction.

Citation:

Birdwell, J. et al. 2013. Report "Backsliders: Measuring Democracy in the European Union." London: Demos.

Cea, M.A. and M.S. Valles. 2013. Report on “Evolución del racismo, la xenofobia y otras formas conexas de intolerancia en España”. Madrid: Ministerio de Empleo y Seguridad Social and Oberaxe. http://explotacion.mtin.gob.es/oberaxe/inicio_descargaFichero?bibliotecaDatoId=4056

Migrant Integration Policy Index (2014) <http://www.mipex.eu/spain>

Safe Living

Safe Living
Conditions
Score: 9

In terms of homicides, Spain is the safest country among Western nations with more than 3 million inhabitants. Compared with other OECD and European countries, Spain performs quite satisfactorily in protecting citizens against security risks and public confidence in the police force is high. The official data shows that violent crimes rate is one of the lowest in the world, although the figures are somewhat higher for assaults or muggings. Nevertheless, considering the high unemployment and budgetary cuts on law and order policies, the overall situation can be considered quite successful. It is precisely this effectiveness that makes the new law on public safety (Organic Law 4/2015 “de protección de la seguridad ciudadana”) so controversial. In the eyes of its critics, the new regulation has much more to do with trying to repress political protest (see “Civil Rights” and “Political Liberties”) than with increasing the protection of citizens.

Nonetheless, it is also true that the impact of the economic crisis has contributed to an increase in subjective feelings of insecurity, and public opinion continues to press for additional preventive measures. The government of Spain and its citizens are now more concerned that they are a principal target of Islamic extremism, though the Spanish intelligence and police communities have demonstrated their effectiveness in fighting this risk in recent years. Finally, a renewed security strategy (combining internal and external risks) was approved in 2013, and since that time has led to organizational changes and new measures in specific realms such as cybersecurity.

:

Spain: Reject Flawed Public Security Bill

<https://www.hrw.org/news/2015/03/09/spain-reject-flawed-public-security-bill>

SIDIR 2015

www.realinstitutoelcano.org/wps/portal/web/riecano_es/actividad?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/calendario/actividades/espana-imagen-marca-como-nos-ven-como-somos-2015

Global Inequalities

Global Social
Policy
Score: 4

The economic crisis had a significant impact on Spain’s international engagement, as overcoming the crisis was the government’s top priority, and policy initiatives that did not bear directly on this goal received much-

diminished attention. Budget cuts severely restricted the funding available for policies and instruments designed to enhance Spain's influence abroad; development cooperation suffered, as did more general contributions to global public goods. Since 2009, the country's official development-aid (ODA) budget has declined by 70%. According to a report published by the development NGO Oxfam Intermón, Spain has seen Europe's largest cutbacks with regard to international development support. Currently, Spain gives just 0.14% of its GDP to official development assistance, far below 2008 levels when Spain peaked at around € billion in international development aid, or 0.45% of its GDP. At that time, that was seventh-highest aid share among the world's donor countries. However, the budget passed at the end of 2015 foresees an overall ODA budget equal to 0.21% of Spain's GDP in 2016, representing a 39% increase as a share of GDP.

Today, Spain – even though it is still engaged in a number of international development-promotion efforts – performs poorly in comparison with the other members of the Development Cooperation Directorate (DCD) of the OECD. In addition, the focus of Spanish external action since 2011 under the Rajoy government has been more business-oriented, which has meant less political attention has been given to development and fewer contributions have been made to global public goods. However, a new multiannual Cooperation Director Plan was approved for the 2013 – 2016 period with the aim of introducing more coherence with other policies (e.g., trade), fostering specialization, and better aligning the country's efforts with other EU member states' development strategies.

Citation:

www.aecid.es/ES/Paginas/Sala%20de%20Prensa/Noticias/2015/2015_08/18-aod.aspx

Oxfam Intermón. 2014. Spain is different: la realidad de la ayuda 2013. at www.oxfamintermon.org/sites/default/files/documentos/files/informe_AOD_v05_doble.pdf

OECD(2015), "Spain", in Development Co-operation Report 2015: Making Partnerships Effective Coalitions for Action, OECD Publishing, Paris. www.keepeek.com/Digital-Asset-Management/oe.cd/development/development-co-operation-report-2015/spain_dcr-2015-50-en#page1

III. Environmental Policies

Environment

Environmental
Policy
Score: 5

Spain enjoys exceptionally diverse natural habitats; however, government policy has not provided sufficient safeguards regarding sustainability and general environmental quality. Nevertheless, some positive trends can be observed in

recent years, both as a consequence of government actions (both regional and local) and as a salutary effect of the crisis (which reduced energy consumption, limited construction work and prevented further littoral and forest destruction).

Concerning climate, a report released by the international NGO WWF shows a decrease in greenhouse-gas emissions since 2008, although those emissions are not yet within the maximum threshold allowed by the Kyoto Protocol, and may again increase now that the economy is recovering. More worrisomely, the Spanish government has aggressively rolled back economic incentives for renewable energy development since 2011, while in 2015, the Ministry of Industry and Energy announced new fees on consumers who use batteries to store electric power produced by their own solar panels. Decisions such as these have jeopardized Spain's previous leadership role with regard to solar power and wind energy. As the country is extremely dependent on external energy supplies, government strategy during the period under review was aimed at encouraging energy savings through a pricing policy. Air quality remains a big problem in big capitals such as Madrid and Barcelona, but new local governments in both cities now seem determined to reduce pollution.

Regarding water resources, increases in rainfall during the three last years prompted the government to postpone the extremely controversial transfers of water between different basin areas and the construction of very expensive desalination plants that had been included in various national hydrological plans in previous decades. Nevertheless, Spain was one of the few EU member states to delay completion of its river-basin management plans. During the review period, the European Commission took Spain to the EU Court of Justice for not properly treating waste water from communities with more than 10,000 inhabitants, which poses risks to human health, inland waters and the marine environment.

In terms of protecting natural resources and biodiversity, the assessment is mixed. On the one hand, the reform of the Sea Coast Law (Ley de Costas) in 2013 deregulated some coastal activities which will likely lead to the resumption of coastal construction projects. The European Commission has also criticized Spain for problems in the implementation of the Natura 2000 network (the centerpiece of EU nature and biodiversity policy). On the other hand, the expansion in 2013 and 2014 of the network of national parks continued the trend of improving safeguards for wildlife ecosystems. Finally, and despite public spending cuts, Spain is now a global reference country in the prevention of this forest fires thanks to the increasingly professionalized forestry services in regional autonomous communities and the Ministry of Agriculture and Environment.

Citation:

Energy Storage Is The Real Target Of Spain’s New Tax On The Sun
www.forbes.com/sites/williampentland/2015/06/18/energy-storage-is-the-real-target-of-spains-new-tax-on-the-sun/

European Commission on environmental infringements:
http://ec.europa.eu/environment/legal/law/press_en.htm

WWF report on gas emissions: /www.wwf.es/?31600/WWF-considera-inadmisible-que-Espaa-siga-quemando-carbn

Global Environmental Protection

Global
Environmental
Policy
Score: 4

Spain is formally committed to existing international conventions seeking to preserve natural resources, and participated in the various U.N. COP climate-change meetings, including the 2014 Lima and the decisive 2015 Paris conferences. During the review period, Spain supported some foreign projects (such as wind farms in developing countries and emissions-trading projects) aimed at helping the country comply with the Kyoto Protocol and reducing national CO2 emissions so as to meet its obligations. Unfortunately, according to the 2015 edition of the annual European Environment Agency (EEA) report, Spain has not achieved its energy and climate-mitigation targets.

For this reason, it cannot be said that the Spanish government is actively contributing to international efforts to design and advance global environmental-protection regimes. In fact, Spain’s past efforts in renewable-energy development might have been wasted. Since 2012, the government has demonstrated little domestic initiative, and has not acted as an agenda-setter within international frameworks. The Ministry of Foreign Affairs and Cooperation does not work closely with the Spanish Climate Change Office. The only notable external leadership has been Spain’s cultivation of the Ibero-American Network of Climate Change Offices (RIOCC), building on historical ties with Latin America. However, Spain does support anti-climate-change efforts at the EU level, and the country’s former minister for agriculture and environment, Miguel Arias, was appointed as EU climate action and energy commissioner in November 2014.

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 9

Spain's legal and administrative regulations for validating party lists and candidacies (basically, Organic Law 5/1985 on the electoral regime and Organic Law 6/2002 on parties) is fair and flexible. This was demonstrated during 2015 when several new left-wing citizen platforms, created just months before the local elections held in May, won office in important cities such as Madrid and Barcelona.

To participate, parties and coalitions must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office. Non-Spanish EU citizens are eligible to run in local and European Parliament elections. In local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates are also eligible. Legislation on gender parity (Organic Law 3/2007) requires party electoral lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates. Fair and nondiscriminatory registration is protected by a number of guarantees overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure.

The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and those who have been convicted of a crime. The possibility of declaring illegal parties deemed to be "irrefutably" associated with conduct "incompatible with democracy, prejudicial to constitutional values, democracy and human rights" (a provision introduced in 2002 to fight against separatist terrorism in the Basque Country) led to the early-2000s dissolution of the extreme-nationalist Basque political organization Batasuna, and the subsequent suspension of several other minor parties directly or indirectly connected with (now dissolved) ETA terrorism. Today, the Sortu party and the EH Bildu coalition (two radical forces generally considered to be the successors to Batasuna) are legal and have important political responsibilities at various levels of government.

Citation:

Bourne, Angela. 2012. "Nationalism, terrorism and extremism in the party politics: The illegalization and legalization of Sinn Féin and Batasuna." Paper presented at Political Studies Association Territorial Politics Group, 13 – 14 September 2012, Brussels.

Left-wing surge in Spain's town halls undermines ruling party

<http://uk.reuters.com/article/2015/06/13/uk-spain-politics-idUKKBN00T0KU20150613>

Media Access
Score: 7

All Spanish democratic parties or candidates have access to the public media without unreasonable or systematic discrimination. The electoral law (Organic Law 5/1985) regulates strictly the access to public television and public radio networks during electoral campaigns. This access is not exactly equal, but can be considered plural and proportional as it is based on past electoral performance. The system is even very rigid, allocating times for free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties receive a free slot of 10, 15, 30 or 45 minutes every day, depending on their share of the vote in the previous elections.

A similar system operates with regard to news coverage, where the time devoted to each party is also proportionally allocated according to the previous electoral results. Therefore, the two traditional major parties – the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and Popular Party (Partido Popular, PP) – and the nationalist parties in Catalonia and Basque Country have previously enjoyed a clear advantage, since they regularly draw the most votes. Under this system, new candidates or parties find it difficult to win access to the public media. This regulation seemed particularly shocking on the eve of the December 2015 general elections, since it harmed two emerging parties that were making very strong showings in the polls: the anti-austerity left-wing populist Podemos (We Can) and the centrist post-nationalist and business-friendly Ciudadanos (Citizens).

Unfair or not, the allocation of these advertising slots and minutes of news coverage is guaranteed by the Central Electoral Board (Junta Electoral Central). In fact, many journalists working in the public media are very critical of this rigid system, which subordinates the journalistic interest in information to the proportional time fixed by law. Throughout the rest of the year (i.e., beyond the campaign season), parties do not have public-broadcast time slots and it is then very common for opposition parties to criticize the public media for supposedly being biased in favor of the government.

Regarding private media, a reform of the electoral law in 2011 extended the aforementioned system of proportional news coverage during the electoral period to privately owned television stations. Apart from this special regulation for campaigns, the largest media organizations have a strong tendency to favor the mainstream parties or the more well-known candidates in their day-to-day coverage; in particular the PP and nationalist leaders in

Catalonia (empirical work shows a significant connection between media and parties with the same political orientation). For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is more difficult. They must rely on the Internet and small direct digital TV channels. However, the new party Podemos has benefitted from two private TV stations (Cuatro and La Sexta), which have made an invaluable contribution toward spreading the message and boosting the popularity of its leader, Pablo Iglesias.

In short, the Spanish media system as a whole does not provide all political positions with absolutely fair and balanced access to the media, but pluralist coverage is indeed achieved.

Citation:

<http://politikon.es/2014/11/17/podemos-la-sexta-y-la-influencia-de-los-medios-en-el-voto/>

Voting and
Registrations
Rights
Score: 9

Every Spanish citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register (Censo Electoral), which is as a rule updated correctly. Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or simple incapacity to attend the polling station on the day of election. The average turnout rate since 1977 is comparatively high (73.5%).

The only two notable problems are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections, and naturalization is not easy even for foreign residents of long standing. However, this restriction is common to all advanced democracies. Moreover, EU citizens can already vote in local and European Parliament elections, and even non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote.

Regarding Spanish emigration, citizens living overseas may face onerous red tape that discourages participation in elections, as well as occasional technical failures in the administrative work of consular departments. Although 90% of the some 2 million Spaniards abroad are registered in the CERA (the electoral census of emigrants), a legal change passed in 2011 (Ley Orgánica 2/2011) with the declared aim of preventing fraud has limited their right to vote. As a result, turnout rates among Spanish expatriates are now extremely low (under 10%), and parties have discussed reopening the 2011 reform. Some emigrants' associations claim these restrictions were politically motivated under a

government that fears a surge in protest votes among young emigrants who have left the country in search of a job.

Citation:

www.elconfidencial.com/elecciones-generales/2015-08-01/gobierno-cierra-censo-cera-voto-rogado-50-participacion_950197/

Party Financing
Score: 5

Party-financing legislation was reformulated in March 2015 (Ley Orgánica 3/2015) as part of an anti-corruption plan seeking to increase transparency and impose sanctions for violations, passed following the emergence of a significant number of scandals in recent years. The previous, less strict law was ineffectual in preventing opaque donations received by think tanks and charities associated with parties, backdoor funding in the form of the cancellation of parties' bank loans or debts, and even plainly illegal direct financing in large volumes (such as the famous Gürtel and Barcenas cases, involving the PP).

Under the current rules, political parties are deemed private associations with a mixed revenue system. They are assigned funds from the public budget in proportion to their parliamentary representation, but can also collect private money from individuals (including the largely insignificant membership fees) and corporations. The new law imposes spending thresholds in electoral campaigns, and the contributions made by businesses are at least in theory subject to limits and conditions (for example, anonymous donations are forbidden, and companies that supply goods or services to the state cannot contribute to campaigns).

The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts, but has no capacity to control them effectively. On the one hand, this office suffers from a lack of political independence, since its members are appointed by the parties themselves. On the other, it lacks staff resources and suffers delays in the publication of audit reports. A 2014 report pointed to serious irregularities in almost all parties, although right-wing parties have received much more private financing than leftist ones.

Citation:

Ley Orgánica 3/2015 www.boe.es/diario_boe/txt.php?id=BOE-A-2015-3441
www.europapress.es/nacional/noticia-entran-vigor-diez-cambios-clave-funcionamiento-partidos-20150331140300.html

Popular Decision-
Making
Score: 3

Two modes of popular decision-making (apart from representative elections) enable Spain's citizens to express their political opinions on key issues directly. The first mode is the popular legislative initiative (iniciativa legislativa popular), which enables the public to put a measure in front of the legislature. However, this is limited due to the high number of signatures

required, as well as other political and legal obstacles such the fact that initiatives are not allowed on matters concerning fundamental rights, the state's institutional structure, taxation, international affairs or the prerogative of pardon. Historically, even when the 500,000-signature threshold has been reached, the huge majority of those initiatives have been dismissed by the Board of the Congress of Deputies. All proposals awaiting approval in 2015 were either rejected or expired during the year.

The second means of popular decision-making relates to the option of submitting political decisions of special importance to all citizens in a referendum. However, Spaniards have been asked to vote in only three national referenda since democratization (the latest one to ratify the failed EU Constitutional Treaty in 2005). In addition to this, some referenda to approve or reform the Statutes of Autonomy have taken place in regions with devolved powers. Since 2012, a very lively debate has been unfurling in Catalonia and the rest of Spain on the legal right to hold a secession referendum similar to that held in Scotland in 2014. Finally, at the local level, consultative (i.e., non-binding) referendums are held more often, but even these relatively uncommon, and prior authorization must be obtained from the central and regional governments. Other recent subnational open-government initiatives (such as “Decide Madrid” or “Irekia” in the Basque Country) also represent interesting direct-communication channels between the public and the various levels of the government administration.

Citation:

Colino, C. and E. del Pino (2011). Spain: The Consolidation of Strong Regional Governments and the Limits of Local Decentralization. In *The Oxford Handbook of Local and Regional Democracy in Europe*, eds. F. Hendriks, A. Lidström and J. Loughlin. Oxford: OUP.

Decide Madrid: <https://decide.madrid.es/>

Irekia: www.irekia.euskadi.eus/en

Access to Information

Media Freedom
Score: 6

After 2012, when the government in power during the review period passed a decree reducing the autonomy of the Radiotelevisión Española (RTVE), the public broadcasting group lost some of its political neutrality. However, it would be unfair to regard the national television station as a simple government tool, as in the period prior to the early 2000s, when manipulation was almost systemic. The corporation still respects pluralism and produces some high-quality information programs, but its independence is no longer institutionally protected, and the organization's credibility and audience ratings have suffered. Members of the RTVE's staff have publicly denounced

cases of politicized dismissals, news manipulation and censorship of information services. The Radio Nacional de España (RNE), the main national public radio station, has also been criticized recently for a loss of impartiality and credibility. However, the election of RTVE's president still depends on the parliament, and the situation may thus change under a new multi-party scenario in which governments no longer enjoy absolute majorities. In addition, all opposition parties agreed in 2015 to appoint the next president of RTVE on a consensus basis.

The situation with regard to regional public-broadcast groups is probably worse, with incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid, but is also observable in other regions such as Catalonia, where the public broadcasting corporation used to be far more pluralistic. However, since 2012, it has openly supported the pro-secession views of the nationalist regional government. By contrast, following the 2015 regional elections, Madrid public television is now subject to a lesser degree of manipulation and control.

With regard to private broadcasting operations, media groups are of course formally independent, but the parties in office (at both the national and regional levels) have traditionally sought to support those newspapers, radio and television stations ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). However, some important private television networks have actively promoted the emergence of Podemos (We Can), the new anti-establishment party, through the provision of very considerable airtime (see "Media Access").

Citation:

Catalan TV Network Reflects Separatist Fervor (Wall Street Journal)

www.wsj.com/articles/SB10001424052702304244904579276521794131700

http://ccaa.elpais.com/ccaa/2015/09/16/madrid/1442435312_427022.html

www.eldiario.es/sociedad/partidos_0_441306045.html

Media Pluralism
Score: 8

Media pluralism in Spain suffered during the economic crisis due to the contraction of the advertising market, the closure of a number of outlets, staffing cutbacks and reduced salaries. A report published by Freedom House showed a slight decline in the Spanish media landscape, but the country's press is still rated as "Free," and continues to feature a relatively high degree of market diversity, with open competition among different groups for audience shares and advertising revenues.

In terms of media demand, citizens have become more interested in politics during this era of crisis as they seek solutions to ongoing problems. However, economic adversity also limits participatory resources. The empirical evidence

shows that the two processes – a stronger motivation to acquire knowledge, but fewer resources to do so – are running somewhat in parallel. Even if print media show reduced sales, the Spanish population's growing access to the Internet (with a penetration rate of almost 75%) and the widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs that counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate.

In the 2014 – 2015 period, the trend of relative concentration in the ownership of TV stations continued, with a similar though more moderate effect evident among print newspapers. With regard to television, the Italian company Mediaset is the leading group in the country (owning the most-viewed TV channel, Telecinco, as well as Cuatro and other minor channels). This is followed by Grupo Planeta (including both the right-wing Antena 3 and the more leftist channel La Sexta). Then comes the public broadcaster Televisión Española, and finally regional public-television networks and other small private stations (some of them very conservative). The radio market is dominated by the center-left SER station followed from a big distance by the center-right Onda Cero, the Cadena Cope (that belongs to the Catholic Church) and the publicly owned Radio Nacional de España (RNE).

With respect to print and electronic journalism, the main newspaper is the very influential center-left El País. Other nationwide newspapers include the center-right El Mundo and the conservative ABC, published by the Vocento Group, which also owns many local newspapers in the Basque Country and other regions. In Catalonia, the moderate nationalist La Vanguardia is the market leader. There is no print newspaper that represents genuinely left-leaning ideas, but progressive digital publications such as publico.es and eldiario.es have enjoyed considerable growth. There are also significant liberal and conservative digital media such as elconfidencial.com and the new elespanol.com. The country's most-read information websites are the electronic versions of print newspapers.

In short, a moderate level of diversification in media ownership still prevails at the national level. To be sure, there are several giant media companies, each with an ideological bias, but the media market as a whole allows for a certain level of pluralism.

Citation:

Anduiza, E. and D. Marinova. 2014. When Bad News is Good: Political Knowledge in Times of Crisis. Working paper

Freedom House Report 2015 <https://freedomhouse.org/report/freedom-press/2015/spain>

<http://es.reuters.com/article/topNews/idESKCN0SA19D20151016>

Access to
Government
Information
Score: 6

Although in December 2013, the Spanish parliament passed the first specific law enabling free and easy access to government information (Law 19/2013 on “transparencia, acceso a la información pública y buen gobierno”), the new legislation establishes some limits to the freedom of information. According to the Madrid-based NGO Access Info Europe, Spain still scores comparatively low for four reasons: 1) some institutions (including the parliament and the royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, 3) the oversight body (the so-called Transparency Council) is not fully independent, and 4) the transparency website has shortcomings (with most data available only upon request).

Access Info Europe also criticized the 2015 regulation implementing the 2013 law, noting that it contained new restrictions. The group was very vocal in 2015, additionally criticizing the volume of administrative red tape in the system, and the fact that the system grants only partial access to important lobbyist documents whose content may have had an influence during the decision-making process (for example, ministries may deny access to documents submitted by third parties during the production of legislation on the grounds that these are “internal”).

Nevertheless, the 2013 legislation did significantly improve access to government information by imbuing public policies with a higher degree of transparency. A team of around 40 civil servants works for the transparency website, and under the existing procedure, requests for information must receive a reply within 30 days. If the answer is not forthcoming or is unsatisfactory, citizens may turn to the Transparency Council, which decides whether there are data-protection or other security issues that justify withholding the information.

Citation:

RTI Rating Data Analysis Series (2015): www.rti-rating.org/country_data.php

Access Info Europe (Spain) cases:

Draft Regulation Limits Already Weak Transparency Law: www.access-info.org/frontpage/17363

High levels of administrative silence leave Spanish FOI requesters in the dark: www.access-info.org/frontpage/15770

Civil Rights and Political Liberties

Civil Rights
Score: 7

A very controversial new law on public safety (Ley Orgánica 4/2015 “de protección de la seguridad ciudadana”) was passed in March 2015. This so-called gag law (ley mordaza) has been widely regarded as an anti-protest instrument, with the aim of reducing the tide of demonstrations against the

government's austerity policies, and has thus been resisted strongly by the opposition and activists. It includes a new system of executive fines imposed for insulting (or sometimes simply criticizing) police officers, as well as for taking part in public unauthorized demonstrations (see also "Political Liberties"). Conversely, the new law also introduces civil-rights guarantees, and makes some timid progress on racial profiling by police in the course of carrying out street searches. Under the new regulation, police searches must be carried out by a member of the same sex as the person being searched, and can only be conducted for the purpose of preventing or investigating a crime. People who fail to supply ID can be taken to a police station only in order to prevent a crime, or if they have already committed a misdemeanor.

Apart from these specific cases, state institutions generally respect and protect civil rights, and the rights guaranteed by the constitution and in ordinary legislation are enforced, even if some infringements may occur in practice (for example, concerning illegal immigrants). Separately, the systematic delays and lack of adequate resources (both human and technological) in the Spanish courts are factors that serve to undermine the effective protection of fundamental rights to some degree.

:

Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-3442

Five things Spain's 'gag law' will stop you doing from today
http://elpais.com/elpais/2015/06/30/inenglish/1435681072_581012.html

First victim of Spain's 'gag law' fined for criticising 'lazy' police
www.telegraph.co.uk/news/worldnews/europe/spain/11771851/First-victim-of-Spains-gag-law-fined-for-criticising-lazy-police.html

Political Liberties
 Score: 8

The period under consideration was characterized by the controversial approval of a new law on public safety (Ley Orgánica 4/2015 "de protección de la seguridad ciudadana"), which was passed in March 2015. Even though the final version represented an improvement relative to the first 2013 draft, the new piece of legislation introduced several measures potentially affecting political liberties, including penalties for insulting police officers, as well as fines for interrupting public events or protesting in unauthorized demonstrations outside the parliament (see also "Civil Rights"). In an editorial published by the editorial board of the New York Times, this so-called gag law was deemed a threat to the exercise of the freedoms of public assembly and expression. In addition, the "unauthorized use" of images of law-enforcement authorities or police – presumably aimed at photojournalists or ordinary citizens with cameras taking pictures of police officers or soldiers – is now punishable by a €30,000 fine, making it far more difficult to document abuses. For its part, the government insisted the law is not meant to gag citizens, but to protect their liberties and security.

Despite these concerns, Spanish institutions generally protect political liberties effectively, and infringements are only occasionally evident. The 1978 Spanish Constitution outlines the political liberties that must be respected by state institutions. Fundamental rights and public freedoms (included in Section 1, Chapter 2, Part I of the constitution) receive special protection against infringements. The political liberties receiving such special protection against government (or even private) interference or violation include: the freedoms of ideology, religion and worship; the right to freely express and spread thoughts, ideas and opinions without any form of prior censorship; the right to peaceful unarmed assembly, with no need to notify local authorities in advance unless demonstrations are being held in public places; the right of association; the right to freely join a trade union; and the right to individual and collective petition. These liberties are for the most part respected by the administration, monitored by the media and public organs such as the ombudsperson, and guaranteed by the ordinary courts and ultimately the Constitutional Court.

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Spain's Ominous Gag Law (New York Times)

www.nytimes.com/2015/04/23/opinion/spains-ominous-gag-law.html?_r=0

Non-
discrimination
Score: 7

Any discrimination based on birth, race, sex, religion, opinion or any other personal or social condition or circumstance is forbidden in Spain (according to the constitution and all important international and European treaties signed by Spain that are relevant to counteracting marginalization). In addition, any individual, whether a national citizens or not, can invoke a special expedited procedure in the courts asking the state to protect him or her against any form of discrimination. As a result, cases of explicit discrimination are extremely rare. The Ministry of Health, Social Services and Equality; the ombudsperson; and other regional agencies are active in monitoring discrimination.

Of course, this does not mean that occasional public discrimination and, above all, indirect social discrimination are never observed, particularly in the cases of women, the elderly, persons with disabilities, and ethnic and linguistic minorities. For example, there are still relevant wage differences between men and women, and few women sit on the boards of companies. Coexistence between communities speaking different languages is as a rule peaceful, and does not lead to overt discrimination or conflicts of rights despite complaints made by a few Spanish-speaking families regarding the predominant use of the Catalan language in that region's education system. For their part, some Catalan- or Basque-speaking citizens criticize the primacy of Castilian Spanish in the central administration.

Prejudices against the Roma and some non-Western immigrants may occur. Nonetheless, a survey conducted by the Pew Research Center in 2014 showed

that Spaniards express fewer fears than other Europeans regarding Roma, and also tend to express less negative views about immigration. It is true that anti-Muslim views are comparatively common (46% of Spaniards have an unfavorable opinion of Muslims, although the community represents only 3.5% of the total population), and some tensions emerge from time to time, but it is also true that the state tends to offer protection to minority communities. Spain is also considered to be a pioneer in fighting discrimination against homosexuals and women, although the Rajoy government was less active in this realm than its predecessor.

During the period under consideration, the main development was the transformation of the Women's Institute into the Institute for Women and Equal Opportunities. The new entity's policy scope was expanded to include the fight against discrimination on grounds of birth, sex, racial or ethnic origin, religion or ideology, sexual identity, sexual orientation, age, disability, or any other personal or social condition or circumstance. Previously, it solely addressed issues of gender discrimination. Nevertheless, Spain has not yet adopted a comprehensive anti-discrimination law. Although the government claims to have transposed all the requirements laid down in EU Directive 2000/43/EC (Racial Equality Directive) and EU Directive 2000/78/EC (Employment Equality Directive), the European Parliament declared in a recent report that "there are some concerns about whether the law in Spain is in complete compliance with the EU directives."

Citation:

European Parliamentary Research Service: Implementation of the Employment Equality Directive: The principle of non-discrimination on the basis of religion or belief
[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536345/EPRS_STU\(2016\)536345_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536345/EPRS_STU(2016)536345_EN.pdf)

www.pewresearch.org/fact-tank/2014/05/14/in-europe-sentiment-against-immigrants-minorities-runs-high/

European Equality Law Network (Spain - Country Report on measures to combat discrimination).
<http://www.equalitylaw.eu/country/spain>

Rule of Law

Legal Certainty
Score: 8

The general administrative procedure in Spain is consistent and uniform, assuring regularity in the functioning of all administrative levels. During 2015, a new piece of legislation (Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas) was passed with the aim of modernizing basic administrative law and improving legal certainty. In theory, this principle holds across the Spanish public sector, but it is also true that citizens and the business sector sometimes complain about unpredictable decisions. At the political level, for example, some policy reversals have undermined Spanish credibility among foreign investors (for example, the

government's recent decision to cut the regulated revenue rates received by renewable-energy generators, or the moratorium on new hotels approved by local Barcelona authorities in 2015). At the bureaucratic level there is also some scope for discretion and less transparency than what one might infer from the formal provisions (see "Access to Government Information").

Additionally, even if the executive normally acts on the basis of and in accordance with the law, strict legal interpretations may in fact produce some inefficiency in certain aspects of the administration. This can be observed in the rigid system of personnel recruitment; working methods that depend on clear departmental command rather than flexible cross-organization teams; a preference for formal hierarchy rather than skills when making decisions; and the reliance on procedure regardless of output effectiveness, for example. This prevailing legalistic approach also serves to perpetuate abuses in some cases, since citizens are generally reluctant to appeal administrative acts in the courts as a consequence of the high costs and long delays associated with this process.

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http://cincodias.com/cincodias/2015/07/03/economia/1435944094_183698.html
 Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas.
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Judicial Review
 Score: 7

The judicial system is independent and it has the capacity to control whether the Spanish government and administration act according to the law. Specialized courts, regulated by the constitution and Law 29/1998 on the administrative-contentious jurisdiction (as last amended by Law 20/2013), can review actions taken and norms adopted by the executive, effectively ensuring legal compliance. The administrative jurisdiction is made up of a complex network, including local, regional and national courts. In addition, the Constitutional Court may review governmental legislation (i.e., decree laws) and is the last resort in appeals to ensure that the government and administration respect citizens' rights.

During the period under review, a number of criminal cases related to separate scandals demonstrated that courts can indeed act as effective monitors of activities undertaken by public authorities (see "Corruption Prevention"). Another important development in 2015 was the decision to eliminate court fees for natural persons; these fees had been introduced in 2012 as part of the austerity plans, and had prevented many citizens from seeking judicial review of administrative acts, thus damaging the effectiveness of the enforcement and appeal mechanisms.

Today, two important factors undermine the efficacy of judicial review in Spain. The first is the lack of adequate resources within the court system,

leading to systematic delays (the Executive Opinion Survey published by the World Economic Forum and other similar opinion polls show that most Spanish respondents find the judicial system to be too slow, in such a way that benefits bad-faith competitors). The second problem is the difficulty some judges appear to experience in reconciling their own ideological biases (mostly conservative, given their generally upper-middle-class social origins) with a condition of effective independence; this may hinder the judiciary's mandate to serve as a legal and politically neutral check on government actions.

Citation:

Spain Eliminates Judicial Fees for Natural Persons www.liberties.eu/en/short-news/3412

file:///C:/Users/Famosa/Downloads/WEF_GlobalCompetitivenessReport_2014-15%20(1)%20(1).pdf

Appointment of
Justices
Score: 6

Appointments to the Spanish Constitutional Court (Tribunal Constitucional, TC), the organ of last resort regarding the protection of fundamental rights and conflicts regarding institutional design, take place through a highly politicized and usually long process. According to the constitution, the TC consists of 12 members. Of these, four are appointed by the Congress of Deputies, requiring a supermajority of three-fifths of this body's members, and four by the Senate, requiring the same supermajority vote (following a selection process in which each of the 17 regional parliaments formally nominate two candidates). Additionally, two members are directly appointed by the government, and two by the General Council of the Judiciary (Consejo General del Poder Judicial, CGPJ). All 12 TC members have a tenure period of nine years, with one-third of the court membership renewed every three years. One of the justices died in April 2015, and the politicized complexity of the appointments process impeded the selection of a successor.

Appointments to the Supreme Court – the highest court in Spain for all legal issues except for constitutional matters – can also lead to political maneuvering. The Supreme Court consists of five different specialized chambers, and all its members (around 90 in total) are appointed by the CGPJ, requiring a majority of three-fifths. The 20 members of this body (judges, lawyers and other experienced jurists), which is the governing authority of the judiciary, are themselves appointed to five-year terms by the Congress of Deputies and the Senate, and also require a three-fifths supermajority vote to be seated.

Under current regulations, appointments to both the TC and the CGPJ formally require special majorities. However, the fact that the various three-fifths majorities needed can be reached only through extra-parliamentary agreements between the major parties has not led to cooperative negotiations to identify the best candidates regarding judicial talent. On the contrary, even if there is a formal guarantee of independence, neutrality is not expected, and justices do

not tend to be considered as being divorced from the ideology of the parties proposing their appointment. All TC justices and most members of the Supreme Court are quickly labeled as “conservative” or “progressive” justices by the media and politicians, depending on the party that pushed for their appointment. Even worse, changes in government normally produce a parallel ideological shift in the TC and the CGPJ from progressive leftists to the right or vice versa. However, professional considerations in fact also play a very important role, with nominees always having extensive prior judicial experience.

During the period under review, the “progressive” judicial association criticized the political bias of some Supreme Court appointments promoted by the conservative-leaning president of the CGPJ. The same year, illustrating potential problems within this process, two National High Court justices whose appointments had been suggested by the Popular Party were selected to preside over the most serious corruption scandal affecting this party’s financing (the Gürtel case). However, the court ultimately decided to exclude these judges from hearing this controversial case, thus demonstrating that the system also contains some safeguards to protect itself against political influence.

Citation:

www.juecesdemocracia.es/txtComunicados/2015/ComsobreactuCGPC0615.pdf

www.cuatro.com/noticias/espana/Audiencia_Nacional-trama_Gurtel-Enrique_Lopez-Concepcion_Espejel_0_2075850053.html

Corruption
Prevention
Score: 6

Corruption levels have plausibly declined in Spain since the real-estate bubble burst in the wake of the 2008 crisis. Massive spending cuts since that time have also arguably helped bring down corruption levels. Nonetheless, perceived corruption levels and Spain’s position in international indices such as Transparency International’s CPI have worsened since the early 2000s. Spain was ranked at 20th place worldwide at the beginning of last decade, but fell over time to 40th place in 2013 and a somewhat better 36th place in 2015. This can be attributed to the fact that cases currently moving through the legal system are based on past events and activities that are now receiving considerable media attention. Spaniards are also showing a decreased tolerance for the abuse of public office.

The corruption cases now being investigated typically involve illegal donations by private companies to specific parties in exchange for favors from the administration, or simply personal enrichment on the part of officeholders. There have also been several cases of fraudulent subsidies received by individuals close to the governing political parties, and some “revolving door” conflict-of-interest cases involving politicians and industries affected by

regulation. Nevertheless, the central government passed several legal initiatives in 2014 and 2015 intended to dissuade such behavior, including a change in party-funding legislation, a new transparency law, and reforms of the criminal code and the public-procurement law. In addition, systematic audits of the public accounts are mandatory, and officeholders must make an asset declaration. Finally, a new anti-corruption agency was announced in October 2015.

Therefore, incentives for officeholders to exploit their positions for personal gain have arguably decreased, as public servants now face more serious legal consequences and/or adverse publicity. Moreover, very few corruption cases have involved career civil servants, and everyday interactions between citizens and the administration typically function on the basis of a high level of integrity.

Citation:

Spain's position in the corruption perception index (36/175)

<https://www.transparency.org/cpi2015/>

Political Parties anticipate TI-Spain its electoral commitments against Corruption

<http://transparencia.org.es/en/political-parties-anticipate-ti-spain-its-electoral-commitments-against-corruption/>

Spain to the EU Anti-corruption report (European Commission) http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_spain_chapter_en.pdf

El Gobierno aprueba la creación de una oficina contra la corrupción www.larazon.es/espana/el-gobierno-aprueba-la-creacion-de-una-oficina-contra-la-corrupcion-PD11032184

Governance

I. Executive Capacity

Strategic Capacity

Strategic Planning
Score: 7

Since 2010, as a consequence of the deep economic crisis, the idea of reinforcing long-term thinking and smarter policymaking has gained momentum in Spain. Several key areas that had not been subject to multiyear plans before the 2000s, including economic policy (structural reforms), security, and external action, are now addressed through strategic documents that receive annual evaluations. Sectoral strategies have been published or announced in the areas of pensions system, human rights and international development cooperation. The government's central strategic-planning units have been strengthened accordingly. The Prime Minister's Economic Office – which, among other functions, has been responsible for the National Reform Program under the Europe 2020 Strategy – has clearly become more powerful. In recent years, a new Department of National Security has also been created within the Prime Minister's Office (PMO), and is tasked with developing the country's National Security Strategy.

Although the momentum behind long-term reforms flagged somewhat during the period under consideration, which fell at the the end of the 2011 – 2015 legislative term and on the eve of new elections, the renewed attention paid to structural reforms and security policy in previous years could lead to lasting improvements in the Spanish government's strategic-planning capacities, and potentially a long-term strengthening of coordinating bodies linked to the strategic-planning units close to the prime minister. Some of these bodies (such as the National Security Council and the Council of Ministers Committee on Economic Affairs) already hold a fair degree of authority.

Others, such as the Foreign Policy Council, ought to become more effective and powerful. In addition to the central policy-planning units, strategic advisors exist in some sectoral ministries (Economy, Defense, Foreign Affairs), but this activity is normally understaffed, and advisors' access to political decision-makers is limited.

Citation:

National Reform Programme – European Commission: http://ec.europa.eu/europe2020/europe-2020-in-your-country/espana/national-reform-programme/index_en.htm

Scholarly Advice
Score: 6

Spanish policymaking is not strongly characterized by the involvement of independent researchers either in the executive branch or in the legislature (see “Summoning Experts”). No practice of formal and systematic connections between external thinking and the government as a whole exists. Policymakers do not rely on specialists for advice on matters of political strategy, although university scholars, think-tank analysts and practitioners are often consulted by ministries on legal, economic, welfare and international issues – particularly at the beginning of any legislative process to prepare the draft bill and to assess its impact.

However, the role of academics in the Spanish policy process may be considered as somewhat more significant if their role as a standard source of recruitment for senior positions is taken into account. The conservative government in power during the review period (composed principally of top career civil servants) was not a good example of this phenomenon, but many leading figures in the socialist and the new emerging parties come from the academic world.

The deep political and economic crisis may also have increased the Spanish government's tendency to ask for external advice when engaged in institutional redesign (for example, two panels of experts were created in recent years to advise the Popular Party government in its pension- and university-system reforms). Some recent trends, such as the emergence of several think tanks, may strengthen the influence of external experts over time.

Interministerial Coordination

GO Expertise
Score: 8

Spain's Government Office (Ministry of the Presidency, Ministerio de la Presidencia) and Prime Minister's Office (PMO) (both the Private Office and the Economic Office) are tasked with evaluating line-ministry proposals from the political and technical points of view. From a functional and even physical point of view, these bodies are nearly one, and form the very powerful political core of the executive (often called the Moncloa, after the name of the main palace hosting the prime minister on the outskirts of Madrid). In general, these

different units have ample staff with specific policy expertise, whose task is to substantively assess draft bills and other important sectoral initiatives to ensure they are compatible with the government's strategic and budgetary priorities.

The internal structures of the prime minister's Private Office and Economic Office vaguely reflect the various ministerial portfolios, although without achieving a comprehensive policy expertise that enables perfect oversight throughout the executive. Moreover, evaluations made by the advisers working there are not truly independent, since most staffers are insiders bureaucratically connected to their ministries of origin. For its part, the Government Office, which is also responsible for organizing the Council of Ministers' cycle of sessions, and whose head is the powerful deputy prime minister, has no sectoral-policy expertise, but also evaluates the substantive content of draft bills to some extent.

Nevertheless, despite the extensive constitutional and political strength of the Spanish premiership, these units enjoy only limited administrative resources. Their relatively small size is perhaps explained by the hierarchical, single-party nature of the Spanish government, in which it is not particularly necessary to monitor sectoral ministers from the center. To be sure, the transition toward a multi-party system entailing coalition or minority executives, which can be taken for granted for 2016, will require that this pattern of organization and functioning be revisited.

GO Gatekeeping
Score: 9

Materials earmarked for cabinet meetings (usually draft bills or appointments of top officials) are not frequently returned, but the Government Office (Ministerio de la Presidencia, GO) can do so, citing either formal or substantive considerations. The Prime Minister's Office (PMO) does not have the official mandate to return items on policy grounds but, given its political weight within the core executive, does so nonetheless. The head of the GO (who is also the deputy prime minister) has since 2011 been Soraya Sáenz de Santamaría, a state attorney and powerful member of the Popular Party (Partido Popular, PP) who can reject initiatives either in her political or legal position as chair of the committee that prepares Council of Ministers meetings (the Comisión General de Subsecretarios y Secretarios de Estado). The powerful directors of the prime minister's Private Office, Jorge Moragas, and the prime minister's Economic Office, Álvaro Nadal, can de facto return items but only by taking advantage of their proximity to the prime minister. This is typically done through informal instructions to the sectoral department responsible for the item. Nonetheless, the prime minister's Economic Office has also been, since 2012, officially responsible for coordinating economic matters. It does so through a specialized ministerial committee on economic affairs. This constellation grants the Economic Office some legal capacity to accept or return on economic policy or budgetary grounds items that have been

submitted by a ministry. The Ministry of Finance and Public Administration also participates in this gatekeeping function, but only on budgetary and organizational grounds.

A legal reform of the new general administrative procedure passed in October 2015 introduced the so-called Annual Normative Plan, along with the idea of “better regulation” as a guiding principle for Spanish lawmaking. This will probably reinforce the GO’s role as a central gatekeeper able to monitor whether sectoral ministries sending legal proposals to the cabinet meeting have respected formal and policy considerations, and that new proposals are compatible with previous plans.

Citation:

Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Line Ministries
Score: 7

Both the Government Office (Ministerio de la Presidencia, GO) and the Prime Minister’s Office (PMO) are regularly briefed on new developments affecting the preparation of policy proposals by line ministries. Although these are formally autonomous, the legal and political hierarchy within the Spanish government facilitates and even encourages this pattern of consultation with the prime minister’s entourage. The consultation with the GO tends to focus on drafting or technical issues, while the PMO is more interested in political and strategic considerations. The process is firmly institutionalized and takes place weekly, since representatives of all ministries gather at the cabinet meeting preparatory committee (Comisión General de Subsecretarios y Secretarios de Estado), which is held every Wednesday, chaired by the GO head and the deputy prime minister. Advisers from the PMO also participate in this committee and in the important specialized ministerial committee on economic affairs (see “Cabinet Committees”) that also helps to prepare the Council of Ministers.

However, even if the primary joint role of the GO and the PMO is horizontal coordination, their administrative resources are limited, and the deputy prime minister and prime minister’s advisers cannot be briefed on the whole range of government activity. Therefore, they normally focus on each ministerial department’s most important sectoral developments, as well as the prime minister’s particular interests. Nevertheless, all legal proposals are sufficiently vetted by the Government Office before they are drafted as laws through: 1) the setting of the cabinet-meeting agenda and 2) the centralized nature of all relations with parliament having to do with legislation.

A legal reform of the new general-administrative procedure passed in October 2015 will help reinforce coordination between the GO and line ministries (see

Cabinet
Committees
Score: 9

“GO Gatekeeping”). Under the terms of a new provision, all policy proposals implying legal changes would be communicated in advance by the line ministries to the GO, which would produce a centralized Annual Normative Plan. On the other hand, the changes in the Spanish party system may make consultation between the PMO and the rest of the government more difficult if future sectoral ministers do not belong to the same party as the prime minister.

Two powerful ministerial committees effectively prepare the cabinet meetings in Spain: the Committee for Economic Affairs, and the Committee of Undersecretaries and Secretaries of State. The Committee for Economic Affairs normally meets on Thursdays (a day before the Council of Ministers meetings) to review and schedule economic or budgetary interministerial coordination. Since 2011, this committee has been chaired by the prime minister himself, with the help of the director of his Economic Office, and is also made up of ministers and secretaries of state with economic responsibilities. For its part, the Committee of Undersecretaries and Secretaries of State effectively filters out and settles issues prior to cabinet meetings. This committee of top officials meets every Wednesday to prepare the Council of Ministers’ weekly sessions, which are held every Friday (see “Ministerial Bureaucracy” for further details). No cabinet member participates apart from the deputy prime minister, who serves as its chairperson.

Spain’s only Council of Ministers committee composed exclusively of cabinet members is the Foreign Policy Council (Consejo de Política Exterior), which meets only about once a year despite plans to revitalize it under a new law on external action and the foreign service passed in 2014. Other ministerial committees (composed of several ministers and individual non-cabinet members such as secretaries of state) are regulated by Royal Decree 1886/2011 (as modified by RD 385/2013), which specifies six ministerial committees – Economic Affairs, National Security, Intelligence Affairs, Science and Technology Policy, Equality Policy, and Cultural Affairs – as official delegate committees of the government. However, with the exception of the Delegate Committee on Economic Affairs, no other committee meets regularly and helps to systematically coordinate proposals sent to the Council of Ministers, although the Committee on National Security (Consejo de Seguridad Nacional) is gaining relevance and regularity.

Ministerial
Bureaucracy
Score: 7

The two most important senior bureaucratic positions in the 13 ministries are the secretaries of state, who play a role much like that of junior ministers in other European countries, but do not belong to the government in Spain; and the undersecretaries, who are career civil servants that typically act as department administrators. These figures meet every Wednesday in the so-called General Committee of Undersecretaries and Secretaries of State (Comisión General de Subsecretarios y Secretarios de Estado). This committee effectively prepares the Council of Ministers weekly sessions, which are held

two days later, on Fridays. The Government Office (Ministerio de la Presidencia, GO), directed by a minister who is also the deputy prime minister, chairs the meetings of this preparatory committee in which all draft bills, all appointments and any other ministerial proposals are discussed and scheduled as a part of the Council of Ministers' agenda.

A provisional agenda (known as the "black index") is published by the GO a week before the cabinet meeting. The GO also collects and circulates all relevant documents for discussion by the line ministers. On Tuesday mornings, senior Prime Minister's Office (PMO) officials assess the relative importance of agenda items on the black index and identify where there are likely to be divergent positions. Thus, the Wednesday meetings of the preparatory committee perform an important gatekeeping function in returning problematic proposals to the appropriate line ministry and forwarding the remaining proposals to the Council of Ministers (now classified into two indexes: the green index, which covers ongoing administrative matters, and the red index, for issues which are more controversial either by nature or because a lack of ministerial consensus). Nevertheless, although senior ministry officials effectively review, filter out and settle almost all issues, thus allowing the Council of Ministers to focus on strategic-policy debates, the truth is that important political discussions in the Spanish Council of Ministers are rare.

While the coordination of policy proposals is efficient at the highest level of the bureaucratic hierarchy, this effectiveness declines at the middle levels of the organization, since there is tradition in Spain of interministerial administrative coordination. To be sure, the role of high-ranking civil servants (normally the subdirectores generales) is crucial in the preparation of policy proposals within every line ministry, but their subsequent involvement in horizontal coordination with other ministries is very limited. In fact, and as a consequence of the strong departmentalization, every ministry tends to act within its area of competence or jurisdiction, avoiding proposals which may involve other ministries. Although many administrative interministerial committees formally exist, in practice these committees do not coordinate the drafting of policy proposals or decision-making between different ministries. As administrative committees do not tend to work efficiently, they have fallen by the wayside and now usually simply facilitate the exchange of information or try to settle jurisdictional conflicts.

Informal
Coordination
Score: 7

The relative weakness of formal coordination among ministry civil servants in Spain (see "Ministerial Bureaucracy") is to some extent compensated for by helpful informal procedures. When administrative coordination is needed because interministerial problems are real and cannot be solved by the non-effective existing committees or by invoking vertical hierarchy, informal contacts or meetings between officials of the various ministries involved are

organized. Many policy proposals can in fact be coordinated in this fashion (ad hoc working groups are rare but may also be created). As Spanish senior civil servants are clustered into different specialized bureaucratic corps, informal mechanisms rely often on the fact that officials involved in the coordination may belong to the same corps or share a network of old colleagues. Nevertheless, the existence of specialized corps tends to aggravate Spanish administrative fragmentation, since every corps tends to control a department according to its specialization.

At a more political level, these informal mechanisms are less necessary, since the stable Spanish experience of single-party governments with strong prime ministers has up to this point required less coordination than would coalition cabinets. However, informal coordination procedures do exist, with exchanges of views and occasional or urgent meetings of an inner core of ministers politically close to Prime Minister Mariano Rajoy. Participants typically include the powerful Deputy Prime Minister Soraya Sáenz de Santamaría (who may also lead the coordination herself), the ministers of foreign affairs or infrastructures, and for obvious reasons connected to the management of the crisis, the minister for economy and the minister for finance. Relations with the party-governance structure are channeled through the prime minister himself (who is president of the Popular Party or Partido Popular, PP) and the party's secretary general, María Dolores de Cospedal.

Citation:

No problem has been too large or lethal for Rajoy's deputy www.ft.com/intl/cms/s/0/da60cad4-56dd-11e5-9846-de406ccb37f2.html#axzz3sAcZbXei

Evidence-based Instruments

RIA Application
Score: 5

A new law on the common administrative procedure, passed in October 2015, includes a promising provision (indeed, an entire chapter) devoted to ensuring that lawmaking in the future will take place in accordance with the principles of “smart regulation” and “better regulation.” This development, which is based on OECD recommendations, seeks to guarantee that the administration engages in systematic planning before laws are drafted, while creating a more sophisticated RIA process and producing regulations that are proportional to the political goal and more congruent with other laws.

However, though prospects for RIA application in Spain are now improving, there has not previously been deep concern for the quality of legislation (apart from purely formal legalistic issues that are monitored by the Council of State). The financial costs of passing and implementing any new law have

been systematically monitored since the 1990s, but a broader concern with the substantive quality and efficiency of legal rules (the effectiveness of regulatory impact on their target reality) was only timidly established in 2009. In some instances, RIA procedures have been efficiently used; in others, it seems to have been merely a formal requirement fulfilled by the department preparing the bill. Because the new common-administrative-procedure law was passed at the end of the period under consideration, it is difficult to determine precisely how effectively impact assessments will be performed in the future.

Citation:

Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Quality of RIA
Process
Score: 3

RIA analyses in Spain are quite new (see “RIA Application”), and their use to date has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted in a general template (reinforced by the new law on the common administrative procedure passed in October 2015), which is to be applied across content areas. This emphasizes that draft legislation must address economic and budgetary considerations as well as any other relevant aspects of impact (such as environmental impact, gender-equality concerns, and any possible effects on disabled people).

This process has not been very successful in eliciting participation by stakeholders (through consultation or collaboration, transparent communication of results to the public, or the effective and regular evaluation of assessments by an independent body). However, the new law on transparency passed in 2013 and the recent legal reform of the RIA process through Law 39/2015 herald some future improvements in quality. New procedures improving access to the public sector’s activities (Article 133 of the transparency law) and the creation of bodies to oversee implementation of these requirements will be particularly helpful.

Citation:

Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Sustainability
Check
Score: 3

RIA analyses were only timidly introduced in Spain in 2009, and the process as implemented up to this point has not included systematic sustainability checks using an exhaustive set of indicators (including social, economic, and environmental aspects of sustainability) considering the short- to long-term effects of regulatory change. However, a piece of new legislation on the reform of the Spanish general administrative procedure (passed in October 2015) includes new sustainability-related improvements.

Under the terms of this new law (Law 39/2015), the executive – in principle through the Government Office (Ministerio de la Presidencia) – will centralize the task of checking whether new bills prepared by the rest of ministries and agencies fulfilled various criteria from a procedural point of view (quality of the proposed regulation, congruence with other laws, participation of stakeholders, compliance with EU law). Articles 129 and 130 of the new law mandate a systematic process ensuring the substantive congruence of all policy proposals being prepared. This would basically ensure that sufficient planning and effective RIA had been carried out by the sectoral ministry proposing the new legislation, and that an evaluation procedure was included. Despite this recently introduced improvement, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations.

Citation:

Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Societal Consultation

Negotiating Public
Support
Score: 5

The conservative Popular Party (Partido Popular, PP) government, which held power throughout the review period, engaged in little consultation with societal actors after it took office in late 2011. Decisions on the radical labor reform and most adjustment measures implemented during these four years were instead made by relying on the party's absolute parliamentary majority. A high priority was placed on the rapid implementation of structural reforms and public-expenditure cuts (affecting not only the labor market, but also the pension system, public administration, local government, access to justice, education and health care systems, external action, etc.), and the government spent little effort seeking support for its policies by unions or professional associations. However, in December 2014, the first and only big social pact of the legislative term was signed; here, the government struck an agreement with the two big trade unions (UGT and CCOO) and the main employers' association (CEOE) to introduce a program aimed at helping the half-million long-term unemployed individuals with families find jobs.

Beyond this, line ministries still tend to consult with the economic and social actors important in their various policy areas, both private (especially businesses associations and Catholic Church) and public (other ministries, autonomous regions, parties), in the course of making decisions. The extent and success of this consultation in preparing policy initiatives depends on the particular sector. In some cases, consultation and exchange of views is institutionalized through advisory bodies, although there are policy areas in which the traditionally good relations with societal actors have today been

badly damaged (for example, with NGOs involved in international development assistance, as a result of massive foreign-aid budget cuts).

Citation:

www.elmundo.es/economia/2014/12/15/548ec5e9268e3e0c7e8b4587.html

Policy Communication

Coherent
Communication
Score: 7

From the point the government took office in late 2011 until mid-2015, Prime Minister Mariano Rajoy received considerable criticism for not taking questions and for regularly appearing at press conferences via a TV feed. The government's sparse communications led to a phenomenon in which many PP supporters had little understanding of many of the measures undertaken by the government they voted into power (particularly with regard to austerity measures and tax increases). However, after the Popular Party's poor showing in regional and municipal elections held in May 2015, the government party announced a new approach in which it would "be closer and communicate more with Spaniards." Rajoy himself and the director of his Private Office, Jorge Moragas, are in charge of this communication strategy.

At the administrative level, since the Popular Party took office in 2012 and the role of coordinating ministries' messages was returned to Deputy Prime Minister Soraya Sáenz de Santamaría, communication coherence has improved. She is not only the head of the Government Office (Ministerio de la Presidencia, GO), but also serves as government spokesperson, seeking to ensure that the executive speaks with a single voice. A communication office (Secretaría de Estado de Comunicación) exists within the GO, and is responsible for the government's information policy both internally (through a consultation procedure with the ministries, and by providing a press service for the entire public administration) and externally (by informing the mass media of the government's activities, planning the political messages sent to the public and controlling institutional communication campaigns). The communication office and the spokesperson try to conduct coherent communication planning and ministries tend to align their statements and press releases with government strategy. Contradictions do occur from time to time, but most messages are factually coherent with the government's plans.

Citation:

In rare press conference, Rajoy blames poor election showing on failure to communicate (El País)
http://elpais.com/elpais/2015/05/26/inenglish/1432626773_688913.html

La nueva estrategia comunicativa fue idea del presidente Rajoy
http://cadenaser.com/programa/2015/07/31/hora_14_fin_de_semana/1438347161_254741.html

Implementation

Government
Efficiency
Score: 7

The Spanish government has not set a system of benchmarks to evaluate its own performance but has been relatively successful in the implementation of major policy objectives. Two main obstacles stand in the way of the government realizing its declared objectives more easily: First, the weak mechanisms of coordination with the 17 autonomous regions (which are responsible for implementation in many policy areas), and second, the ministerial fragmentation that sees line ministries often more oriented toward their individual departmental or bureaucratic interests than toward the government's strategic objectives. However, thanks to the significant constitutional and political resources at their disposal, the prime minister and core executive gradually gained internal executive power between 1982 and 2015, ultimately creating conditions under which a coherent set of major objectives can be developed and policy priorities successfully achieved at the national level. The government has also gained power and autonomy as a result of the country's EU membership.

During the 2011 – 2015 legislative term, the government's absolute parliamentary majority, the strict hierarchy within the conservative Popular Party and the window of opportunity opened by the crisis itself (making possible more centralized control of public spending by the autonomous regions and strict conduct guidelines for all central-government ministries and agencies) all combined to render the implementation of government priorities more effective. Thus, the government performed well in achieving its own declared major policy priorities: basically, public-spending cuts, some structural reforms (in the labor market and the banking system) and other adjustment measures linked to economic policy. However, the transition to a multi-party system, along with persisting economic constraints that will make future governments' more ambitious policy objectives challenging to achieve, may undermine implementation performance in the future.

Ministerial
Compliance
Score: 9

All prime ministers since the restoration of democracy have presided over single-party governments – Spain being the only EU country aside from Malta in which there has not been any experience with coalitions at the central-government level. This may change in the near future, considering the ongoing transformation of the traditional two-party system into something more complex. However, until the end of 2015, Mariano Rajoy had the capacity to impose his views in the Council of Ministers and the party meetings that he also chaired. He was free to reorganize government structures and to dismiss ministers he did not consider able or willing to implement the government's program. He did so twice during the period under review, dismissing the

minister of health, social services and equality in December 2014 and the minister of education and culture in June 2015.

The constitution (which stipulates that parliamentary confidence rests personally with the prime minister and his comprehensive government program), the Spanish party system (featuring prime ministers that have up to this point also been the strong leaders of very disciplined parties), and the organization of the executive thus provide strong incentives for all ministers to implement the overall government program rather than seeking the sectoral interests of their individual departments. However, the fact that the government's hierarchical organizational devices provide these potentially strong incentives does not necessarily ensure that ministers always subordinate their sectoral self-interest to the general interests of the government. They actually enjoy some degree of political autonomy, in some cases as important mid-level or regional leaders of the governing party. Moreover, the threat of dismissal – the main political instrument in the hands of the prime minister to control ministerial compliance – is remote, and when it happens is usually more connected to a decline in political trust than to any balanced assessment regarding implementation of the government's program or policies.

Monitoring
Ministries
Score: 7

The activities of all line ministries are monitored by the Spanish Prime Minister's Office (PMO), the Government Office (GO, Ministerio de la Presidencia), and ultimately the Council of Ministers. The PMO oversees the flow of political and sectoral information, and keeps the prime minister abreast of the activities of all line ministries. The head of the Prime Minister's Economic Office has also coordinated the important weekly meeting of the government's Delegate Committee for Economic Affairs since 2012. The GO, headed by the powerful deputy prime minister, monitors the activities of line ministries through the weekly meetings which prepare the way for Council of Ministers meetings. The capacity of the GO to monitor ministers will likely improve once the new law on general administrative procedure (passed in October 2015) has fully taken effect, as it introduces a new system for systematically assessing policy implementation in the form of a periodic evaluation report that would be prepared in close consultation with line ministries.

Nevertheless, this monitoring cannot guarantee that no sectoral ministry will ever prioritize vertical over horizontal interests. The organizational resources of the prime minister's direct entourage and the GO as a department are limited, and these bodies rarely engage in direct coordination of ministerial departments. Only the prime minister or the deputy prime minister are entitled to play this role. However, apart from controversial or emergency issues (security crisis management has been centralized within the PMO since 2012, for example), they do not have enough time or information to maintain a

Monitoring
Agencies,
Bureaucracies
Score: 8

systematic monitoring and coordination role.

Spain's ministries have the capacity to monitor the activities of the administrative bureaucracy and executive agencies with regard to implementation. One of the main ingredients of the administrative-reform process launched in 2012 (coordinated from the Government Office through the Commission for the Reform of the Public Administrations (CORA)) consisted of reinforcing central control over these public bodies, and in some cases entailed the absorption of the smallest agencies by the ministry in charge of their task area. This reorganization included the first comprehensive register of all existing agencies or any other semi-autonomous bureaucracy in Spain (Inventario de Entes del Sector Público Estatal, Autonómico y Local), and resulted in several mergers and the liquidation of many public companies. Some difficulties and delays were encountered during the first years of implementation, but the plan was almost accomplished by the end of the period under review. In 2014, the Council of Ministers unified internal monitoring of all public entities, giving this responsibility to the Auditor General's office. In addition, the recently passed Law 40/2015 promotes the introduction of mechanisms to prevent the "unnecessary creation of future entities and the continuous review of the functions, goals and structures of existing bodies, in order to facilitate their subsequent restructuring if decided." An integrated framework of evaluation, monitoring and independent audit of all agencies will be also be introduced as a result of this recent legislation.

Thus, the ministries can now monitor the activities of all executive agencies and force them if necessary to act in accordance with the government's program. However, it is also true that thanks to bureaucratic drift and/or flexibility in their functioning, some of these semi-autonomous public bodies have been able to elude this control. Ministers have particular difficulties in effectively monitoring the largest ones (such as the National Institute of Social Security in the case of the Ministry of Employment, or the Development Cooperation Agency in the case of the Foreign Ministry).

Citation:

Latest quartely report on the follow-up of CORA Public Administration Reform, September 2015. www.seap.minhap.gob.es/dms/es/web/areas/reforma_aapp/proceso/CORA-Informe-trimestral-de-seguimiento-septiembre-2015.pdf

Ley 40/2015, de Régimen Jurídico del Sector Público https://boe.es/diario_boe/txt.php?id=BOE-A-2015-10566

Task Funding
Score: 6

Spain has a very decentralized political and administrative structure, with 17 autonomous regions ("Comunidades Autónomas") controlling over a third of public spending, including services such as health care and education. Some authors even regard the country as a federation, even if the high degree of regional devolution (self-rule) does not include effective shared rule. The

system has also been occasionally associated with deficiencies in the process by which tasks are delegated to regions without adequate funding sources. It is also true that regions enjoy some power to raise revenue in order to counterbalance this insufficiency of funding, but they have tended not to use this power for fear of political backlash. In the context of the deep economic crisis and austerity that have characterized Spain in recent years, public-spending cuts and reinforced central control of the regional accounts have led to criticism of the central government for deliberately shifting unfunded mandates to the regions. As a result, some regions have been incapable of adequately fulfilling their delegated tasks without help.

In 2015, the central government reiterated tough budget-deficit targets for the regions, even though the EU had decided to loosen fiscal targets for the country as a whole. In addition, the period under review was deeply affected by the earlier enactment of Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations. Under this legislation, regional governments must now approve an expenditure ceiling in keeping with a stability target and expenditure rule. The debate over the criteria through which solidarity funding for regions and territories is allocated continues to be intense, with richer regions seeking a profound revision of the general funding system. Catalonia's bid for independence has been fueled by widespread social unrest related to the region's limited fiscal capacity to support the taxes collected there.

In 2012, the central government introduced a program providing inexpensive liquidity to the regions. This remained in force in 2015. The program includes the general Regional Liquidity Fund (FLA) and the so-called Supplier Fund (FFPP), which addresses funds owed by subnational administrations to public-procurement suppliers (usually small and medium-sized companies). Most regions depend on these funds in order to service their debt without paying exorbitant interest rates, since rating agencies have downgraded their credit ratings to so-called junk status, making it very difficult to obtain alternative funding. The FLA mechanism is paired with strengthened fiscal conditionality and supervision through continuous monitoring, helping to ensure achievement of the budget-deficit targets. However, some delays in payments have been reported.

:
Spain Sticks to Tough Budget-Deficit Targets for Regions
www.wsj.com/articles/SB10001424052702303644004577523092090222740

Constitutional
Discretion
Score: 5

Although the highly decentralized Spanish system usually enables the 17 autonomous regions (comunidades autónomas) to use their substantial powers of self-rule to the full, and the Constitutional Court protects the regions in cases of unconstitutional interference, the decentralization process has not

always been characterized by loyalty between the center and periphery. As discussed under “Sustainable Budgets” and “Task Funding,” Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations imposes drastic austerity conditions and debt targets on all public administrative bodies. With this legislation, the central government is – despite formally respecting autonomous regions’ constitutional autonomy – de facto narrowing their scope of discretion with regard to implementation. The fiscal regulation is even tougher in its treatment of local governments (which bear responsibility for roughly 15% of total public spending in Spain) and the central government has forbidden them from carrying out any tasks on policies for which the legal competence is not explicitly local.

The Ministry of Finance’s attempt to impose stronger expenditure rules at the regional level may have primarily been intended to appease potential bond buyers, but the central government may also have taken advantage of this situation to seek to weaken the regions politically. Some regions (particularly those like Catalonia and the Basque Country, which are governed by peripheral nationalist parties) have tried to protect themselves from what they deem excessive central control. Since 2012, Catalonia has even threatened secession as a consequence of several central initiatives that the regional government alleges have severely reduced its economic capacity and political autonomy. Examples of this recentralizing trend not only include the aforementioned restrictions on regional public deficits and public debt, but also other measures such as the legal reform on market unity and the new laws on the external-action service and education.

However, it is also true that the central government has decisively helped the cash-strapped regions and local entities through the regional-liquidity funds (FLA and FFPP) introduced in 2012 and extended through 2015. In the absence of these instruments, considering the extraordinary funding difficulties regions have faced since 2010 (lacking access to international capital markets), they would have been unable to exercise some of their policy functions. Most autonomous regions have borrowed money from this liquidity fund; indeed, despite the region’s secession threats, Catalonia as actually been the region to take greatest advantage of this rescue mechanism.

Citation:

Organic Law 2/2012 on Budget Stability and Financial Sustainability www.spanishreforms.com/-/organic-law-on-budget-stability-and-financial-sustainability

National Standards
Score: 5

The central government has in principle always been committed to ensuring uniform national standards for public services, but this has never been completely effective. In some cases, regional governments design and implement their own public policies without following clearly defined national

standards. As a result, there may be some variation in the quality of public services offered by Spain's regions. In general, minimum standards are set by basic national legislation, but are not subsequently enforced. In fact, instruments of enforcement vary greatly according to policy field, with education and the pension system perhaps the best defined areas, while housing, family policy and social care are among the most heterogeneous. The formal administrative method for monitoring the provision of services by the autonomous regions through supervision (the Alta Inspección) has not been particularly effective.

Since 2012, new regulations on financial sustainability within public administrations and local governments have strengthened the tools through which the central government can ensure that regional and local governments realize national minimum standards. The health care reform, with its emphasis on the so-called Common Services Portfolio of the National Health System, is a very good example of a recent development through which central government has sought to ensure that the decentralized provision of a public service is universal, free and complies with standards set on the national level, but also cedes some control to the regions.

Citation:

www.msssi.gob.es/gabinetePrensa/reformaSanidad/docs/cuadripticoReformaSanitaria.pdf

Adaptability

Domestic
Adaptability
Score: 8

The Spanish government has largely adapted its domestic structures to agreements made at international and supranational level, although this adaptation has not always been implemented effectively. The most important impact has been produced by EU membership, with government structures adapted to significant developments such as the monetary union, the internal market, access to EU funds, the launch of the External Action Service and the different sectoral aspects of EU law. The Spanish government's coordination with and adaptation to the European Union is mainly the task of the Secretariat of State for the European Union (within the Foreign Ministry). For obvious reasons, considering the economic significance of the EU agenda, the Prime Minister's Economic Office (dealing with the structural reforms), the Ministry for Economy, and the Ministry for Finance also have important responsibilities in terms of coordinating cooperation between ministries on EU matters.

More generally, all line ministries have to some extent Europeanized their organizations, although most ministries lack units dealing specifically with the European Union, and interministerial coordination is weak. Links with subnational levels of government (since the EU has a strong impact in many

policy areas handled by the autonomous regions) are made through the network of intergovernmental councils or conferences (conferencias sectoriales), but this system has considerable room for improvement. The government has also responded to other international developments (such as NATO membership and the post-Kyoto climate-change regimes). In January 2015, an internal reorganization took place that created a new Directorate-General for United Nations and Human Rights following Spain's election to the U.N. Security Council for 2015 and 2016.

Citation:
Responsibilities and Structure of the Ministry of Foreign Affairs
https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-222

International
Coordination
Score: 7

In January 2015, Spain assumed a position as a non-permanent member of the United Nations Security Council (UNSC), a mandate that will run for two years. In addition to a general UNSC role, Spain chaired (as of the time of writing) the Iran and North Korea sanctions committees, as well as the Committee on the Non-proliferation of Weapons of Mass Destruction. Council membership generates rights of access to and participation in, including voting on, all decisions of this organ. However, it also implies great responsibilities in the process of meeting current threats in the changing security environment as well as global challenges such as climate change, epidemics and sustainable development. In this context, Spain has manifested a clear commitment to promoting human rights, respect for international law, a proactive agenda on terrorism and greater attention to gender issues (this latter issue expressed in particular through Resolution 2242 on Women and Peace, adopted in October 2015).

Apart from its UNSC membership, Spain continues to participate in other international efforts to provide global public goods (financial stability, economic development, security, environment, education, governance, etc.) as one of the leading EU member states, and as a permanent guest at the G-20 summits. It has also contributed to international forums and actions responding to challenges such as climate change (Paris summit), energy supply, illegal migration (in part through bilateral agreements in Northern Africa), global terrorism, and peacekeeping (with Spanish troops deployed as a part of U.N., NATO and EU missions in Lebanon, Sahel, the Horn of Africa waters and the Baltic region). However, Prime Minister Rajoy and other government leaders have done little to ensure that the impact of national policies on these global issues has been systematically assessed and incorporated into the formulation, coordination and monitoring of internal policies across governments. Spain's government has also played only a small role in addressing the Syrian refugee crisis, despite parliamentary and civil-society criticism.

Citation:

Jessica Almqvist. 2015. Spain and the UN Security Council: global governance, human rights and democratic values, Elcano Expert Comment 29/2015 - www.realinstitutoelcano.org/wps/portal/web/rielcano_en/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/spanishforeignpolicy/commentary-almqvist-spain-and-the-un-security-council-global-governance-human-rights-and-democratic-values
 UN Security Council adopts resolution on women, peace and security <http://en.mehmews.com/news/111021/UN-Security-Council-adopts-resolution-on-women-peace>

Organizational Reform

Self-monitoring
Score: 5

The Spanish prime minister has the constitutional and political monopoly to reformulate the institutional organization of the government. Without any legal constraint, he personally decides on the structure of portfolios and other governing arrangements every time he appoints new ministers. This also means that an overloaded prime minister cannot devote much attention to the most effective way to manage those arrangements, and can only sporadically monitor whether the current ones are working. Although Prime Minister Rajoy introduced alterations in ministries' names and jurisdictions after taking office, he did so without a prior impact assessment. The division of the previously unified departments of Economy and Finance (whose minister traditionally enjoyed the status of deputy prime minister) into two different and less powerful ministries has been criticized since 2012, but Rajoy did not reverse this decision. Likewise, as new elections loomed in 2015, no serious consideration was made of any possible future reorganization to improve governing arrangements.

During the period under examination, the government's internal structure and the procedures of governing remained almost unchanged (with the exception of minor changes noted under "Institutional Reform"). No central actor performs this self-monitoring function. However, the new laws 19/2013 on transparency, access to public information and good governance, and 39/2015 on general administrative procedure state that the Government Office (GO) has to engage in planning, evaluation and comprehensive monitoring of general legislation, and where appropriate must promote revision and simplification. Thus, in the future, the GO may also assess the appropriateness of institutional governing arrangements.

Citation:

Ley 19/2013, on Transparency, Access to Public Information, and Good Governance www.mpr.gob.es/otai/Documents/Act-19-2013_on_transparency_access_to_public_information_and_good_governance.pdf

Institutional
Reform
Score: 6

The last significant changes to Spain's governing arrangements were introduced in 2012, when Prime Minister Rajoy reorganized ministerial

portfolios and other institutional elements of the executive. The most important decision made at that time – the division of the former Ministry of Economy and Finance into two separate ministries – has not received generally positive assessments since, as this action reduced economic coordination within the government.

During the period under examination, coinciding with the end of the 2011 – 2015 legislative term, the internal central-government structure and the procedures of governing have remained almost unchanged. After the governing party suffered losses in the local and regional elections held in May 2015, Rajoy even emphasized that he would not alter the structure or composition of the government, because in his opinion, the executive was handling Spain’s crisis well. The only relevant development was the January 2015 creation a new Directorate-General for United Nations and Human Rights, following Spain’s election to the United Nations Security Council. A more substantial and comprehensive improvement could have been achieved through an interministerial administrative-reform process (CORA), but the scope of this process been somewhat limited despite being praised by the OECD. The CORA reform has mainly consisted of a reduction in the number of extant units due to strict budgetary considerations, without paying attention to the government’s strategic capacity to make and implement political decisions.

Citation:

2014 OECD Public Governance Review of Spain: From Administrative Reform to Continuous Improvement. www.seap.minhap.gob.es/dms/es/web/areas/reforma_aapp/ocde/CORA-GOV-PGC-2014-4-ANN1_Public-Governance-Review-of-Spain_ENG-para-web/CORA-GOV-PGC%282014%294-ANN1_Public-Governance-Review-of-Spain_ENG-para%20web.pdf

II. Executive Accountability

Citizens’ Participatory Competence

Policy Knowledge
Score: 6

Although levels of interest in politics have traditionally been low in Spain as compared with other Western European countries, the recent crisis has somewhat changed Spaniards’ attitudes toward the policy process. The public now demands a higher level of knowledge, and the motives behind and implications of government policy decisions are now better explained in the media than was the case in 2008.

Recent research conducted by the official sociological institute CIS demonstrates that attentiveness to political information within Spain has

improved. For example, the CIS Barometer 3114, published in October 2015, reports that 22.5% of Spaniards talk about politics very often when meeting with friends (up from only 14% in January 2008). According to the same polls, most Spaniards regularly follow politics by listening to the TV news. But even if those who extend their news-gathering habits beyond the TV are few when compared to the western European average, their number has increased during the crisis; in 2015, 19.2% of CIS survey respondents said they read the political sections of newspapers every day (compared to 16.5% in 2008), while 15.8% used Internet sites on a daily basis to obtain political information (compared to 6.5% in 2008). With regard to specific public services and policies, the empirical evidence also shows a recent increase in participation and thus knowledge. For example, a survey on public opinion and fiscal policy published by the CIS in 2015 indicated that 52.3% of Spaniards talk about public services very often or often (as compared to 44.2% in 2008).

Citation:

CIS Survey 3114 (Barometer) October 2015 www.cis.es/cis/export/sites/default/-Archivos/Marginales/3100_3119/3114/es3114mar.pdf

CIS Survey 3105 (Special issue on fiscal policy) July 2015 www.cis.es/cis/export/sites/default/-Archivos/Marginales/3100_3119/3105/es3105mar.pdf

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

Every parliamentary group is assigned funds to hire personnel, with the size of budgets dependent on the party's electoral results. However, the parties often save a portion of this money, using it for other purposes while hiring unexperienced staffers with low salaries. Individual legislators lack even a single exclusive assistant, as the small number of staff members is shared across the parliamentary group (typically with an assistant for every two deputies or senators). Economic resources for the commission of policy research, whether performed internally or externally, are also very scarce. There are no real parliamentary research units or think tanks.

The scrutiny of European policymaking (an area that can be easily compared to other EU member states' national parliaments) well illustrates the lack of resources: the Spanish Joint Committee of the Congress and the Senate for European Affairs has at its disposal only two legal clerks, a librarian and three administrative personnel. And despite growing demands for greater parliamentary involvement in EU affairs since the entry into force of the Lisbon Treaty (with the introduction of an "early warning system" to control the proportionality of new European legislation), budgetary restrictions have prevented any change with regard to human and financial resources. In the same vein, the Spanish General Courts were the last national parliament in the EU-27 to open an office in Brussels.

In short, Spanish deputies and senators can draw on a set of resources suited for selectively monitoring some government activities, but cannot effectively oversee all dimensions of public policy.

Citation:

Kölling, M. and I. Molina. 2015. "The Spanish National Parliament and the European Union: Slow Adaptation to New Responsibilities in Times of Crisis". In *The Palgrave Handbook of National Parliaments and the European Union*, eds. C. Hefftlar et al. London: Palgrave Macmillan.

Obtaining
Documents
Score: 8

According to Article 109 of the Spanish Constitution, both houses of the bicameral parliament may, through their respective speakers, "request whatever information or help they may need from the ministries or from any other authorities of the central public administration or the autonomous regions for the better fulfillment of the parliamentary duties." The information and documentation requested from the government must be made available within a period not exceeding 30 days and in the manner most suitable to the applicant. If this is not done, "the legally justified reasons preventing the supply of such information" must be provided. This legal margin allows the government to avoid delivering some important documents (for example, on the grounds of secrecy), or enables it to deliver the documents incompletely or late.

Furthermore, although every member of a committee is in principle entitled to request any information or document, they can only do it "with the prior knowledge of their respective parliamentary group." Access to documents may also vary depending on the ministry. Documents generally arrive on time and in full, but obstacles are occasionally erected.

Summoning
Ministers
Score: 8

At least through the end of 2015, no Spanish minister has ever ignored a parliamentary request to offer public explanations about his or her work. According to Article 110 of the Spanish Constitution, the committees of both the Congress of Deputies and the Senate "may summon members of the government" to ask them questions. This also means that ministers and top officials are entitled to attend committee meetings and to be heard.

Two important limitations to this oversight mechanism exist. First, at least 70 deputies or one-fifth of the members of a committee need to make the request. During the review period, that meant that only the two main parties, the Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE), acting collectively, could invite a minister. The second limitation is that these initiatives are subject to a vote in the Bureau of Congress and the Board of Spokesmen, and the party supporting the government, which is always disciplined and easily able to obtain a majority of votes, may reject some of the requirements made by the

opposition. During the period under review, the government held an absolute parliamentary majority, and even if petitions summoning ministers were rarely rejected, the PP controlled the timing of the minister's attendance and in some cases delayed hearings on sensitive topics.

Nevertheless, the mechanism is frequently used, and once the initiatives are approved, ministers are obliged to answer questions raised in these sessions. Ministers are regularly summoned by the committees overseeing their policy areas (see "Task Area Congruence"), and it is quite common for ministers themselves to request to be allowed to report on matters relating to their respective departments. If a member of the government were to ignore a summons, the parliament has the power to take the confrontation to the Constitutional Court and argue that the executive branch is preventing the legislature from doing its job properly, as oversight of government action is listed among its duties.

Summoning
Experts
Score: 8

The standing orders of the Congress of Deputies and the Senate state that parliamentary committees may request, through their respective speakers, "the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee." The rights of parliamentary committees to send invitations to independent experts are not limited by any legal constraint; however, such hearings have not been customary in the Spanish parliamentary tradition (and have sometimes even been criticized as lobbying practices). Requests to summon experts may have increased in number in recent years, particularly at the beginning of the legislative process or in specialized subcommittees, but this is still a rare practice. The limited nature of the Spanish parliament's staffing and financial resources prevents systematic involvement in the lawmaking process by university scholars, think-tank analysts and other experts. According to the Congress' website, fewer than 100 experts were summoned during 2015 by the 28 standing committees and the several sub-committees.

Task Area
Congruence
Score: 7

There is nearly exact correspondence between the number and task areas of the 13 ministries and those of the Congress of Deputies' 17 standing legislative committees. In fact, the latest restructuring of ministerial portfolios (in 2011, unchanged since that time) was immediately mirrored by a reorganization of the standing legislative committees. The only exceptions are the International Development, Culture and Equality committees, which do not match up with any single ministry (development policy is conducted from the Foreign Ministry, culture policy from the Education Ministry and equality policy from the Health and Social Services ministry), and the split of the task areas for the Ministry of Finance into two different committees: Budget, and Finance and Public Administration. For all the others, each parliamentary committee corresponds – even in name – to a single existing ministry.

The Constitutional Committee, aside from the other functions its name denotes, monitors the activities of the Government Office (Ministerio de la Presidencia, GO). Nonetheless, even if the task areas of parliamentary committees and ministries fully coincide, broader structural features of the Spanish parliamentary system such as the two-party system in place until 2015, parliamentary groups' internal discipline, and the executive's constitutional powers prevent the legislature from monitoring ministries effectively.

Citation:

www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision

Audit Office
Score: 6

According to Article 136 of the Spanish Constitution, the Audit Office (Tribunal de Cuentas) is accountable primarily to parliament, but is not an integral part of it. The Audit Office exercises the function of auditing the state's accounts and the financial management of the entire public sector. However, even if this organ is envisaged by the constitution as a powerful one, parliament cannot fully rely on its auditing capacities. Public accounts are submitted annually to the Audit Office, which sends an annual statement of its auditing activities to the parliament, identifying where applicable any infringements that in its opinion may have been committed, or any liabilities that may have been incurred. Most state public-sector organizations deliver their accounts to the Audit Office for inspection, although many of them do so with delays. As a consequence, the annual audit statements are also published very late.

The office's members are appointed by a qualified majority agreement between the parties, and thus may not be sufficiently independent – particularly when auditing the political parties' accounts. In fact, a peer-review report prepared in 2015 by the European Court of Auditors and the Portuguese Audit Office (Tribunal de Contas) criticized their Spanish counterpart's lack of effectiveness vis-à-vis the country's political parties. In fact, the Audit Office has in the past been slow to investigate the big financial scandals engulfing the Spanish political parties (see "Party Financing"), and has recently faced accusations not only of inefficiency but also of nepotism when hiring its own staff. The 2015 report also censured the excessive number of politically appointed senior positions, particularly in comparison to the relatively low number of career inspectors and mid-ranked experts.

Citation:

www.tcu.es (official website)

www.elmundo.es/espana/2015/06/23/55894ece22601d4e448b458c.html

Ombuds Office
Score: 8

Article 54 of the Spanish Constitution regulates the Office of the Ombudsperson (Defensor del Pueblo) as a high commissioner's office whose holder is appointed by the legislature to respond to requests, and to protect and defend basic rights and public freedoms on behalf of all citizens. He or she is authorized to supervise the activities of the government and administration, expressly forbidding any arbitrariness. The ombudsperson is elected by both houses of parliament for a five-year period (thus avoiding coinciding with the legislative term of four years) by a qualified majority of three-fifths. The office is not subjected to any imperative mandate, does not receive instructions from any authority, and performs its functions autonomously. The officeholder is granted immunity and inviolability during his or her time in the post.

During the period under review, Ombudswoman Soledad Becerril (appointed in 2012) appeared several times in the parliament. The ombudsperson is authorized to appeal before the Constitutional Court and may also initiate any habeas corpus proceeding. The ombuds office publishes annual reports and "monographic reports" on particular themes, as well as recommendations regarding the public administration's legal duties toward citizens. According to the last annual report, most of the approximately 25,000 complaints submitted were related to social issues (minimum income, care aid), problems regarding taxes, and judicial delays. The institution also launched a transparency portal during the review period

Almost 75% of the recommendations made by Spain's Ombudsperson are accepted by the public administration. However, its advocacy role is slightly limited by several factors: 1) a lack of resources, 2) inadequate departmental collaboration during the investigation stage or during implementation of the recommendations, and 3) some self-restraint by the current ombudswoman, who is a former member of the Popular Party.

Citation:

Last report published (2014):

https://www.defensordelpueblo.es/en/wp-content/uploads/sites/2/2016/01/Summary_report_2014.pdf

Media

Media Reporting
Score: 7

The continuous flow of political information in the mainstream Spanish media includes a high proportion of superficial coverage of current political controversies. However, driven by Spaniards' intensifying political engagement during the crisis, the space allocated to high-quality information is also substantive; particularly in the print press and the electronic media.

The main print periodicals (El País, El Mundo, ABC, La Vanguardia) provide a fairly significant amount of in-depth analyses of the Spanish policy process

and sophisticated op-ed analyses of government decisions, despite their partisan preferences. The print-media readership is declining, and the impact of these publications is thus limited, but a growing number of readers have begun following online newspapers (either electronic versions of the mainstream print publications or standalone online publications such as *El Confidencial* or *eldiario.es*) and politics-themed blogs (such as *Agenda Pública*, *Politikon* or *Piedras de Papel*). However, political debates in the Spanish blogosphere are still followed by only a minority of Spaniards.

TV is the most important source of political information for the average citizen, since almost 70% of Spaniards watch TV news every day. However, a large portion of the time devoted to political information is given over to news and talk shows. News programs, which are generally objective and balanced, are aired on a twice-daily basis (from 14:00 to 15:00 and from 20:30 to 21:30) on all major TV channels. In addition, several infotainment-style debate shows are aired during workday mornings and on some evenings (on weekends) but these are often superficial, focusing on polarized arguments with limited contextualized analysis. The public-television organization *Televisión Española* (TVE) offers some high-quality information programs, although its audience ratings are decreasing and the political independence of the corporation has suffered since 2012 (see “Media Freedom”).

A third of Spaniards also follow political news via radio stations, which devote many hours a week to political information. All main stations have early-morning and afternoon programs combining both background news and political debate, as well as a late-night news program. Privately owned radio stations are more ideologically biased than the major TV stations (with participants in the radio debates blatantly biased in favor of or against the government). There are also daily radio programs of reasonable quality focused on business, and therefore on economic policymaking.

Citation:

www.eldiario.es/redaccion/eldiarioes-subida-lanzamiento-digital-Espana_6_478462175.html

Parties and Interest Associations

On the eve of the general elections of December 2015, Spain’s political landscape (a predominantly two-party system from 1982 to 2014) had expanded to include four major parties with more than 10% of the popular vote at the national level: the mainstream center-right party *Partido Popular* (PP), the social-democratic *Spanish Socialist Workers Party* (*Partido Socialista Obrero Español*, PSOE), the new left-wing anti-establishment party *Podemos* (We Can) and the new center party *Ciudadanos* (Citizens).

Intra-party
Democracy
Score: 6

The PP, in office since December 2011, is characterized by quite opaque internal decision-making processes. It is a heavily centralized party, although some of its regional branches enjoy significant independence – at least regarding decisions on personnel. The PP seeks to speak with one voice (the voice of its president), a tendency illustrated through the 2015 nomination of Mariano Rajoy as the candidate for prime minister without any direct participation by party members and despite several polls showed that more than half of the PP’s voters preferred a different candidate. The decisions on how to fill the rest of the electoral lists and which position will be represented by the party in most issues are restricted to a small core leadership. However, in July 2015 the PP announced that its next party conference (to be held in 2016) would introduce primary elections for the selection of representative candidates.

The PSOE, which is the major opposition party, is considerably more participatory than the PP. As a less president-driven organization, internal debate on electoral programs is common and even public, frequently involving some of the regional branches (especially the powerful Andalusian and Catalan sections, the latter of which is formally an independent party). The manner in which the PSOE selects its leader and main candidates is also more open, with the participation of regional delegates or through the use of primary elections. Following the PSOE’s decline in the 2014 European Parliament elections, the party renewed its leadership and elected its current secretary-general, Pedro Sánchez, in open elections in which all party card-holders were allowed to vote (turnout was 67%). Sánchez was endorsed as the party’s candidate for prime minister in late 2015 with no rival contender, and thus no need to organize primaries.

Finally, both Podemos and Ciudadanos present themselves as more internally democratic than the PP and the PSOE, insofar as they formally allow all party members and supporters to participate in personnel and program decisions. However, despite the rhetoric in these two new parties, closed party leaderships were able to fully control the most important decisions in 2015, including the appointment of their charismatic leaders (Pablo Iglesias and Albert Rivera, respectively) to serve as prime-ministerial candidates.

Citation:

Rodon T. and M.J. Hierro. 2016. “Podemos and Ciudadanos Shake up the Spanish Party System“, South European Society and Politics.

“Democracia interna, la gran asignatura pendiente de los partidos en España“:
www.abc.es/espana/20150718/abci-democracia-primarias-partidos-espana-201507171923.html

“Rajoy y Cospedal dan un paso histórico: habrá primarias en el PP“:

www.elconfidencialdigital.com/politica/Rajoy-Cospedal-historico-primarias-PP_0_2522147779.html

Association
Competence
(Business)
Score: 8

Trade unions and the major employers' associations have improved their substantive competence with regard to Spanish policymaking over the last 10 years (in part as a consequence of the crisis). Spain's economic-interest associations seek to identify the causes of problems and propose practical policy solutions through their own training centers and research foundations. To be sure, they perform this task from their particular perspectives, and sometimes offer provocative ideas, but without engaging in wishful thinking. However, even if business associations and unions are capable of proposing relevant policy measures within their specific areas of interest, they have limited influence on the policy process.

During the period under examination, the main trade unions in Spain (UGT and CCOO) have strongly opposed the austerity measures and other adjustment reforms implemented by the Popular Party (Partido Popular, PP) government. However, this does not mean that Spanish trade unions are radicalized or incapable of formulating viable policies within the euro zone context. UGT is associated with the Fundación Francisco Largo Caballero, and CCOO with Fundación 1 de Mayo.

The largest business association (CEOE) has the *Círculo de Empresarios* think tank, as well as the training centers linked to the CEOE and the Chambers of Commerce. Other private economic groups include the *Círculo de Economía*, farmer's associations (such as COAG and ASAJA), the National Federation of Fishermen's Associations, some consumer associations (CEACCU and UCE), the Spanish Confederation of Cooperative Business, and diverse sectoral-lobbying actors (for example, Foro Nuclear on the issue of nuclear energy). Big Spanish companies also fund liberal economic-policy think tanks (for example, Fedea) that are autonomous but produce "business friendly" policy proposals.

Association
Competence
(Others)
Score: 8

Non-economic interest associations have always been relatively weak in Spain, and it has been difficult for them to influence political decision-making with relevant policy proposals. Furthermore, the lack of a strong, organized civil society is a disincentive for the government to take these associations' views into account during policy formulation (since the process would become much more complex, without necessarily adding social legitimacy as a compensation). Thus, there is no virtuous circle encouraging social, environmental and religious groups to improve their policy competence.

Even the strong Catholic Church lacks a research unit capable of formulating policies, although it remains influential on education and moral issues. Leading environmental groups (e.g., *Ecologistas en Acción* or *Greenpeace España*) and some NGOs devoted to human rights (such as *Amnesty*

International) or development aid (Intermón Oxfam and other Spanish groups that benefited from the larger budgets in this area in the late 2000s) have gained technical competence, and increasingly rely on academic expertise and specialized publications to influence public opinion and policymakers within their areas of interest. Women's associations are weak as autonomous organizations, but influential within the political parties (especially in the PSOE). The LGBT movement has successfully defended homosexuals' rights, particularly same-sex marriage. Other organizations such as CEPES, which addresses the social economy, are also very influential.

Finally, social protest movement triggered by the crisis have made a mark in recent years. Platforms and networks following the example of the 15-M Movement (the so-called Indignants, who launched their demonstrations on 15 May 2011) have been able to gain media attention and even shape public policy by asking for more transparency (for example, the group Democracia Real Ya), better regulation of mortgages (for example, the Plataforma de Afectados por la Hipoteca or Mortgage Victims Association), or other changes in health, education and other areas (as done by the so-called tide movements, or Mareas). Social movements promoting (or in some cases opposing) Catalonia's right to become an independent state also have staffs of experts that undertake research on issues related to independence.

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